

# Gateway Terminal Proposal to Operate State Pier Facility at New London, CT



SUBMITTED AUGUST 31, 2018

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# CONCESSION FOR THE NEW LONDON STATE PIER

Prepared for  
Connecticut Port Authority

August 31, 2018

## Technical Proposal

Submitted by



Gateway Terminal

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Portions of this Proposal that have been marked "CONFIDENTIAL" contain confidential, proprietary, and/or commercially sensitive information that constitute trade secrets and/or commercial or financial information given in confidence and not required by statute ("Confidential Information"). Such information should be treated as a non-public record that is exempt from disclosure to the maximum extent permissible under applicable laws, including the Connecticut Freedom of Information Act (see Connecticut General Statutes Sections 1-210(b)(5)).

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## Acronyms and Abbreviations

BOEM	Bureau of Ocean Management
CT DEEP	CT Department of Energy and Environmental Protection
CT	Connecticut
GW	gigawatt
HSE	Health, Safety, and Environment
m	meter
MW	megawatt
O&M	operations and maintenance
RFP	Request for Proposal

## Confidentiality Statement

Portions of this Proposal that have been marked "CONFIDENTIAL" contain confidential, proprietary, and/or commercially sensitive information that constitute trade secrets and/or commercial or financial information given in confidence and not required by statute ("Confidential Information"). Such Confidential Information should be treated as a non-public record that is exempt from disclosure to the maximum extent permissible under applicable laws, including the Connecticut Freedom of Information Act (see Connecticut General Statutes Sections 1-210(b)(5)).

The Confidential Information:

- consists of confidential and proprietary information data, design, work product, cost allocation strategy and financial analysis developed at considerable time and expense in order to compete with other developers;
- is not available in the public and cannot be easily obtained or developed from public information; and
- would be of material economic value to competitors, including other bidders responding to this and future requests for proposals, and would provide them with an unfair advantage in their bidding and negotiating strategies.

The Confidential Information has been preserved pursuant to confidentiality agreements and has been shared only with those individuals whose roles in the preparation of this Proposal required them to have access to it.



## 1. EXECUTIVE SUMMARY OF THE PROPOSAL

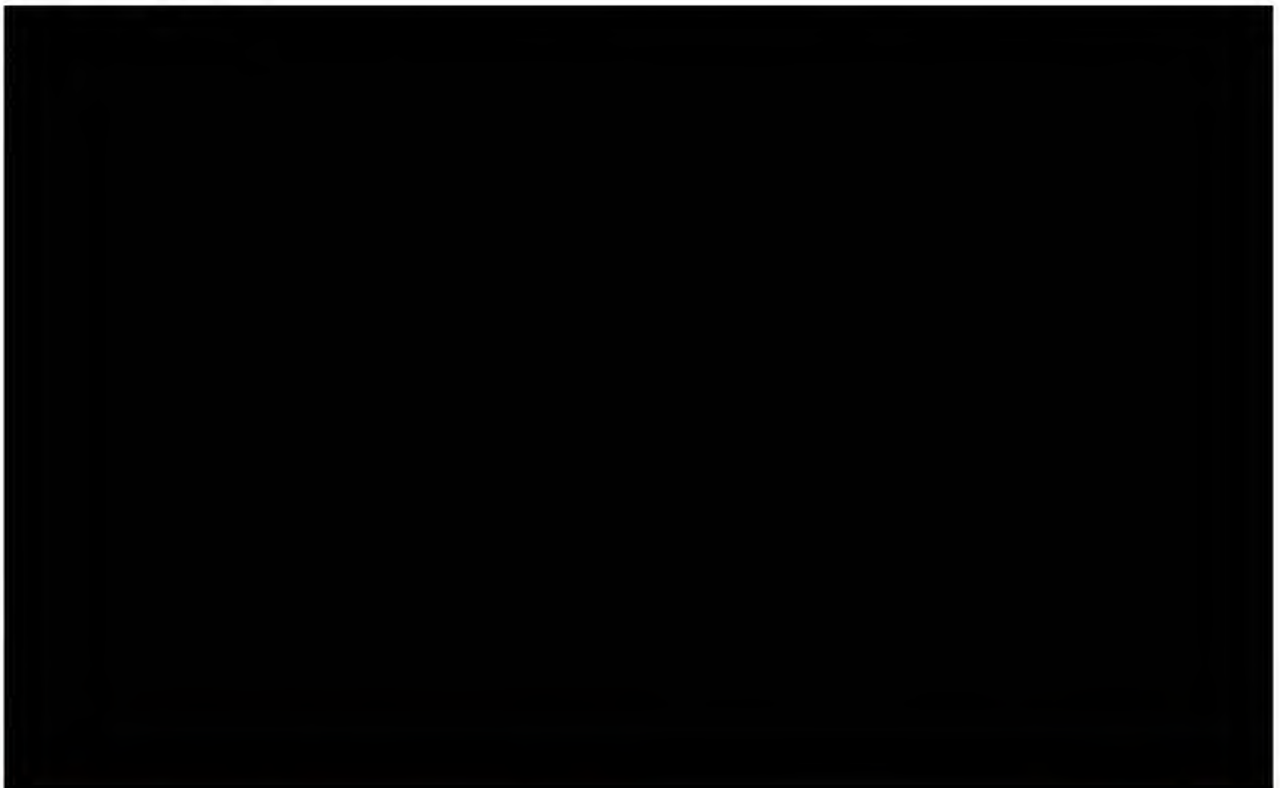
Enstructure New Haven Holdings LLC dba Gateway Terminal (Gateway Terminal, Gateway, or Respondent) is pleased to submit this proposal to the Connecticut Port Authority (the CPA) for the Operating Agreement of the New London State Pier (State Pier).

Based in the deep-water Port of New Haven, Connecticut, Gateway Terminal is the only port facility in New England that encompasses ship, barge, truck and rail capabilities. Our Connecticut terminal locations handle a wide range of breakbulk, dry bulk and liquid bulk products. We believe that we are uniquely qualified to develop and grow the State Pier given our company's diversification in cargos handled, modes of transportation offered, inland logistics and regions served.

There are two principal features to our proposal for the State Pier:

### 1. Grow and improve conventional cargos:

We will significantly increase activity at the State Pier through our extensive customer relationships and experience in handling a wide array of products, many of which are not currently handled by the current operator. Our business plan includes the introduction of a weekly short-line container-on-barge service as well as the import of fly ash and slag supersacks to meet increasing demand for these products in the Northeast. This increased level of activity will result in approximately 48 direct port operations jobs and a substantial increase in fees to the CPA. In addition, Gateway will make a significant capital investment to service and grow the State Pier, resulting in approximately 30 direct construction jobs over a six-month period.



We have a vested interest in the health of Connecticut's maritime economy and look forward to partnering with the CPA. We firmly believe that combining Gateway's New Haven Terminals with the State Pier will result in significant growth opportunities for the Connecticut maritime industry, the State of Connecticut and the cities of both New London and New Haven. We believe partnering with Gateway will optimize productivity and growth at the State Pier and will ensure that the CPA is able to realize its strategic objectives

**2. FORM TECH-1: TECHNICAL PROPOSAL SUBMISSION FORM**

New Haven, Connecticut, August 31, 2018

To: Connecticut Port Authority  
455 Boston Post Rd  
Suite 204  
Old Saybrook, CT 06475

Dear Sirs:

We, the undersigned, offer to provide the Operating Agreement of State Pier in accordance with your Request for Proposal dated June 7, 2018 and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal, and a Financial Bid sealed under a separate envelope.

We are submitting our Proposal in association with: *N/A*

We hereby declare that all the information and statements made in this Proposal are true and accept that any misinterpretation contained in it may lead to our disqualification.

Our Proposal is binding upon us and subject to the modifications resulting from negotiation of an Operating Agreement.

We undertake, if our Proposal is accepted, to initiate the operation not later than the date indicated in the Data Sheet.

We understand you are not bound to accept any Proposal you receive.

We remain,

Yours Sincerely,

Authorized Signature: \_\_\_\_\_



Name and Title of Signatory: Matthew Satnick, Authorized Representative

Name of Firm: Enstructure New Haven Holdings LLC, dba Gateway Terminal

Address: 400 Waterfront St New Haven, CT 06512



### POWER OF ATTORNEY

Reference is hereby made to the Connecticut Port Authority Request for Proposals, State Pier Facility at New London, CT, dated June 2018 (the "RFP"; all defined terms used herein and not otherwise defined shall have the meanings ascribed to such term in the RFP).

Enstructure New Haven Holdings LLC, a Delaware limited liability company (the "Respondent"), does hereby constitute, designate and appoint Matthew Satnick as its true, lawful and authorized agent and representative, with full power of substitution and revocation, to represent and act for and in the name, place and stead of the Company to prepare, execute, initial and modify the Company's Technical Proposal and the Financial Bid, together with any documents related thereto, and to perform any and all other acts necessary or incidental to the performance of the foregoing powers herein granted.

IN WITNESS WHEREOF, the Company has caused this Power of Attorney to be executed as its deed in its name and has delivered it on August 24<sup>th</sup>, 2018.

### ENSTRUCTURE NEW HAVEN HOLDINGS LLC



Name: Philippe R. De Montigny  
Title: Authorized Representative

Sworn to and subscribed before me on this 24 day of August, 2018.

  
NOTARY PUBLIC

My Commission Expires:

Mary W. Cacace  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires October 31, 2022

### 3. FORM TECH-2: RESPONDENT'S ORGANIZATION, EXPERIENCE AND FINANCIAL CAPACITY

Gateway is the "Respondent" to the RFP and the details of Gateway's organizational structure, experience, and financial capacity are provided in the following sections.

#### 3.1 A - Respondent's Organization

Founded in 1985, Gateway Terminal is one of the premier port terminal and logistics companies in the United States and the largest port terminal operator in the State of Connecticut. A privately held Connecticut-based company, Gateway currently operates five terminals on approximately 75 acres of land in and around the Port of New Haven. Gateway has approximately 150 employees and our management team has over 275 years of combined stevedoring, terminal operations, transportation and sales experience.

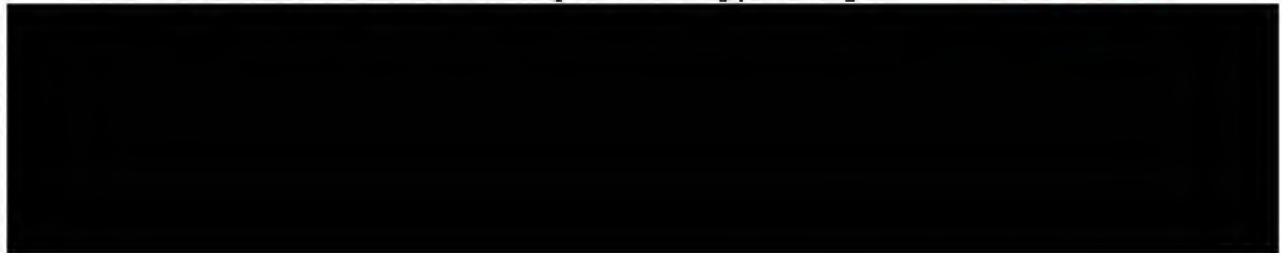
Realizing over 200 vessel and barge calls per year, Gateway typically handles approximately 2,000,000 net tons of cargo annually. In addition, our intermodal rail facility handles approximately 2,000 railcar loads per year, while our multiple warehouses and storage yards safely store hundreds of thousands of tons of material per year.

Our trucking division delivers hundreds of loads per day to port users throughout New England. In addition, our fleet of 10 U.S. flagged Jones Act vessels carry customer cargos from Maine to Texas.

Our customers range from multinational corporations to established regional firms. Our strategic location, connectivity, infrastructure and turnkey services provide numerous advantages over both regional and large Northeastern ports. In addition, our track record of safe, reliable and on-time services has resulted in excellent relationships and a very high customer retention rate.

##### 3.1.1 Organization structure, including shareholding percentages

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### 3.1.2 Regional, national or international presence (number of facilities)

Gateway's parent company, Enstructure LLC, owns and/or operates 4 terminals encompassing the upper Mississippi River, lower Mississippi River and Northeast regions of the United States. In addition to Gateway, Enstructure owns 100% of Fullen Dock & Warehouse LLC and CD Terminal LLC. Gateway's sister companies within the Enstructure group are described below.

#### **Fullen Dock & Warehouse LLC ([www.fullendock.com](http://www.fullendock.com))**

Memphis-based Fullen Dock & Warehouse is one of the largest dry bulk and breakbulk terminals on the lower Mississippi river. Its 680-acre footprint includes:

- 425,000 sq ft of warehousing space, including 75,000 sq ft of climate-controlled storage
- 750,000 sq ft. of paved outside storage
- 3 docks capable of loading and unloading barges
- A fleet of 40 trucks and 100+ trailers
- A regional landfill and recycling facility that complements the terminal business for recycled products such as scrap metal, crushed concrete and shingles
- A rail storage yard with direct access to CN.

Fullen Dock & Warehouse handles in excess of 1,000,000 net tons of cargo per year which include limestone aggregates, steel coils, super sacks, ferro-alloys, heavy lifts, and food products. In addition, Fullen Dock has experience handling containers on barge as well as super sacks, both of which are key elements of our conventional cargo business plan for the State Pier.



Figure 3-2 Container on barge loading at Fuller Dock & Warehouse, January 2018



Figure 3-3 Unloading wood pulp at Fuller Dock & Warehouse, May 2018



#### CD Terminal LLC ([www.cdterminal.com](http://www.cdterminal.com))

CD Terminal LLC is a Minnesota-based company that operates the Port of Winona, Minnesota and the Port of Red Wing, Minnesota, both under long-term lease agreements with the local port authorities. CD Terminal handles approximately 500,000 net tons of product annually between its two terminals. It provides customers with turnkey services which include barge loading and unloading, dry bulk storage, direct truck-to-barge and truck-to-rail transfer, and trucking services. Those services are provided for a wide range of products such as salt, fertilizer, dried distillers grain, cotton seed, gypsum, pig iron and steel products. CD Terminal's customer base includes several blue-chip customers such as Cargill, Koch Industries and Gavilon.

Enstructure is a well-capitalized, growing company that will continue to build upon its geographic footprint and foster customer synergies among its various terminal operations. As

an Enstructure company, Gateway has deep resources and significant investment capital to enhance and broaden its services and solutions to its customers.

### 3.1.3 Global network/partnerships

Throughout our more than three decades of operation in New Haven, Gateway Terminal has developed and fostered strong, long-lasting relationships with many of the world's largest commodity firms. These long-term relationships are evidence of Gateway Terminal's service, commitment and dedication to our customers' needs and growth. We've built our business by listening to customers, providing exceptional service and offering forward-thinking solutions to their cargo handling and transportation needs. We pride ourselves on being service partners to some of the most successful domestic and international corporations in the world today. Below are examples of organizations with whom we have worked:



Gateway Terminal is also an annual exhibitor and attendee at virtually every major industry event and trade show. This includes BreakBulk Americas, BreakBulk Europe, Connecticut Maritime Association, Tampa Steel Conference, Cargo Commodities Conference, Steel Market Update, American Metal Market and the National Work Boat Show. Each of these events allows us to present Gateway Terminal, our services and our ideas to the industry. Our diverse cargo handling options and the ability to handle cargo from door to door provides us with new contacts on a daily basis.

Further to our presence at both international and national conventions, Gateway Terminal maintains active memberships in both the American Institute for International Steel (AIIS) and the North Atlantic Ports Association (NAPA). Our print and internet advertisements are seen regularly in various industry publications worldwide.

### 3.1.4 Staff complement

Gateway Terminal's management team has deep operational and industry expertise in the terminals and logistics industry. Our key personnel in operations, customer service, sales and finance have been with the company for an average of 17 years of dedicated service. The foundation of our success and development has been through the experience of our management team members referenced below.

- Chief Executive Officer – Larry Smith
- Chief Operating Officer – Coy Angelo



- Chief Financial Officer – Joseph Tiroletto
- Director of Operations – Bob Ober
- General Operations Manager – Mark Augur
- Business Development Manager & FSO – Ed Evans
- Sales Manager – Steve Davis
- Marine Manager – Chris Clark
- Tank Farm Manager & ASFO – Garrett Bigelow
- Trucking Manager – Frank Baldassare
- Port Engineer – Mike McDermott
- Safety Director & ASFO – John Weber

### 3.1.5 Mission, vision and core values

As a service company, Gateway Terminal believes in providing a service founded on honesty, trust and responsibility to every customer. Throughout our 33 years of service, we have refused to compromise the values which have brought us continued success and have led us to where we are today.

- **Honesty** – We commit to providing honesty in every aspect of our business. Our honesty and fairness are the foundation for the trust and loyalty of our long-term customer relationships.
- **Excellence** – We commit to providing superior customer service and operations through the continued advancement, training and development of our employees, equipment, processes and technology. Each team member is committed to our vision and pursuit of success.
- **Innovation** – Through continued innovation, we commit to provide our customers with evolving options in cargo handling, transportation and technology. We encourage our customers, who are very receptive, to allow us to bring new ideas to support their business.
- **Safety** – Our commitment to the health and safety of each of our employees will not be compromised. Our safe and secure working environment provides all of our employees and customers with the knowledge that the health and well-being of our employees is paramount. Our belief and dedication to work place safety extends to the environment around us. As users of our land and waterways, we strive to protect these resources by maintaining the highest of standards.

### 3.1.6 Quality assurances policies

We plan to operate the State Pier to the same high standards we achieve each day at our existing facilities. Our experienced management team, office staff and employees provide a



consistently high level of service to every customer, regardless of product, revenue or location. We will bring our customer first approach to New London, while working closely with the CPA, CT DOT, DECD, CT DEEP, CERC, City of New London and other outside organizations who share our vision of development, growth and support of our industry, community and environment.

### 3.1.7 Certifications by international bodies

Gateway Terminal operates waterfront marine facilities, a fleet of Jones Act tugs and barges, as well as a fleet of trucks and trailers, all of which are regulated by state and federal entities.

#### Marine Division

- ABS Class and Certification

#### Trucking Division



- National Highway Traffic Safety Administration (NHTSA)

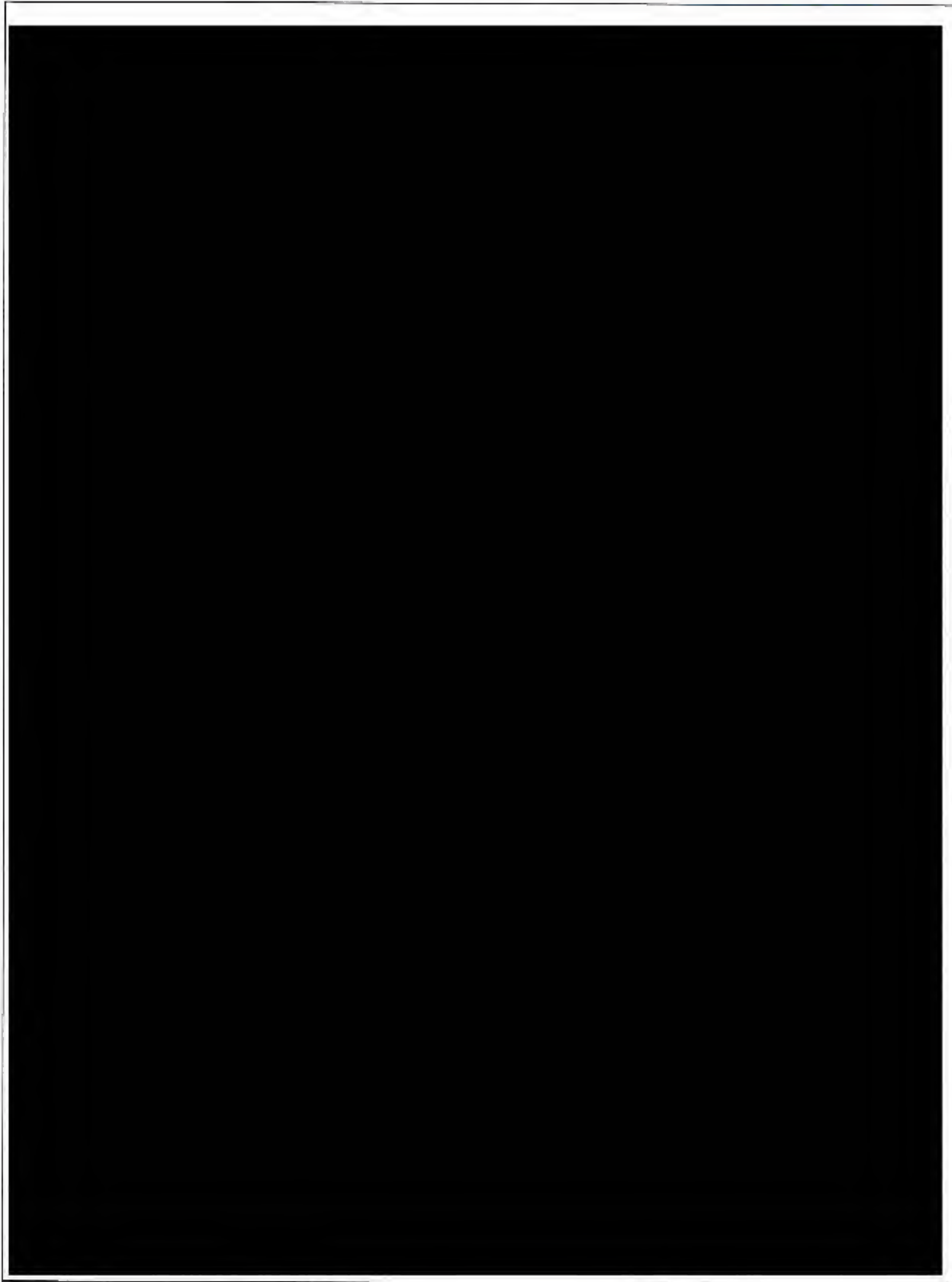
#### Port Facilities

- Maritime Transportation Safety Act (MTSA) regulated and U.S. Coast Guard and TSA compliant
- CT DEEP: General Permit and Air Permit
- EPA: Facility Response Plan and Spills Prevention, Control and Countermeasure (SPCC) Plan


### 3.2 B- Respondents Experience

Over the past 33 years, Gateway has spearheaded several operator projects that demonstrate our ability to successfully operate and expand the State Pier. Examples of these projects are listed below:

<b>Project Name:</b> Harbor Terminal - former New Haven Terminal dry cargo operation	
<b>Country:</b> USA <b>Name of Port or Terminal:</b> Port of New Haven, CT	<b>Duration of Concession (year):</b> 2011 – currently ongoing
<b>Name of Client:</b> New Haven Terminal  <b>Contact Person:</b> Mark Augur 203-467-1997 <a href="mailto:maugur@gatewayt.com">maugur@gatewayt.com</a>	<b>Additional Activities (if any) undertaken at the facility:</b> <ul style="list-style-type: none"> <li>• Vessel/Barge unloading</li> <li>• Rail car loading and unloading</li> <li>• Truck loading and unloading</li> </ul>
<b>Address:</b> 30 Waterfront Street New Haven, CT 06512	
<b>Start Date (month/year):</b> 6/2011 <b>Completion Date (month/year):</b> Ongoing	
<b>Name of Associated Respondents, if any:</b> N/A  <b>Share of each Respondent:</b> N/A	
<b>Narrative description of Project/ Business (including Project Cost):</b> 	





Firm's Authorized Name and Signatory: Matthew Satriale   
Company's Seal

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<b>Project Name:</b> Chapel St. Intermodal Terminal	
<b>Country:</b> U.S.A.  <b>Name of Port or Terminal:</b> Mill River, Port of New Haven, CT	<b>Duration of Concession (year):</b> 1998 – Currently ongoing.
<b>Name of Client:</b> Various salt and steel companies  <b>Contact Person:</b> Mark Augur 203-467-1997 <a href="mailto:maugur@gatewayvt.com">maugur@gatewayvt.com</a>	<b>Additional Activities (if any) undertaken at the facility:</b> <ul style="list-style-type: none"> <li>• Barge loading</li> <li>• Rail car loading and unloading</li> <li>• Truck loading and unloading</li> </ul>
<b>Address:</b> 347 Chapel St. New Haven, CT	
<b>Start Date (month/year):</b> March/1998 <b>Completion Date (month/year):</b> Ongoing	
<b>Name of Associated Respondents, if any:</b> N/A  <b>Share of each Respondent:</b> N/A	
<b>Narrative description of Project/ Business (including Project Cost):</b> <div style="background-color: black; height: 150px; width: 100%;"></div>	

Firm's Authorized Name and Signatory:

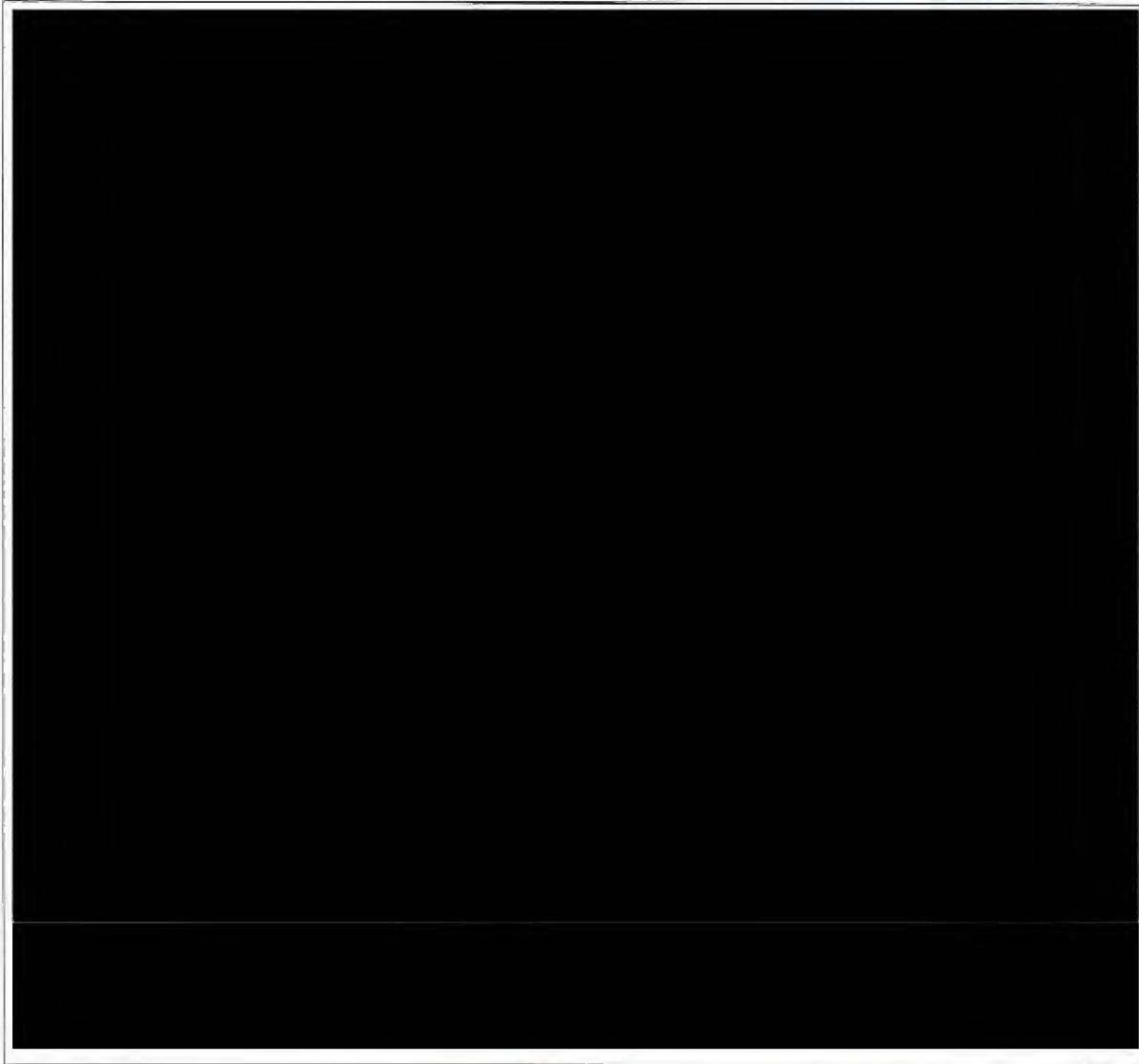
Matthew Sabunde




Company's Seal

<b>Project Name:</b> Gateway Terminal	
<b>Country:</b> USA  <b>Name of Port or Terminal:</b> Port of New Haven, CT	<b>Duration of Concession (year):</b> 1985- currently ongoing
<b>Name of Client:</b> Various salt, scrap, cement, asphalt, steel companies  <b>Contact Person:</b> Bob Ober 203-467-1997 rober@gatewayt.com	<b>Additional Activities (if any) undertaken at the facility:</b> <ul style="list-style-type: none"> <li>• Vessel/Barge unloading</li> <li>• Truck loading and unloading</li> <li>• Tug/Barge operators</li> <li>• Liquid tank farm operators</li> </ul>
<b>Address:</b> 400 Waterfront Street New Haven, CT 06512 USA	
<b>Start Date (month/year):</b> 6/1985 <b>Completion Date (month/year):</b> Ongoing	
<b>Name of Associated Respondents, if any:</b> N/A  <b>Share of each Respondent:</b> N/A	
<b>Narrative description of Project/ Business (including Project Cost):</b>  	

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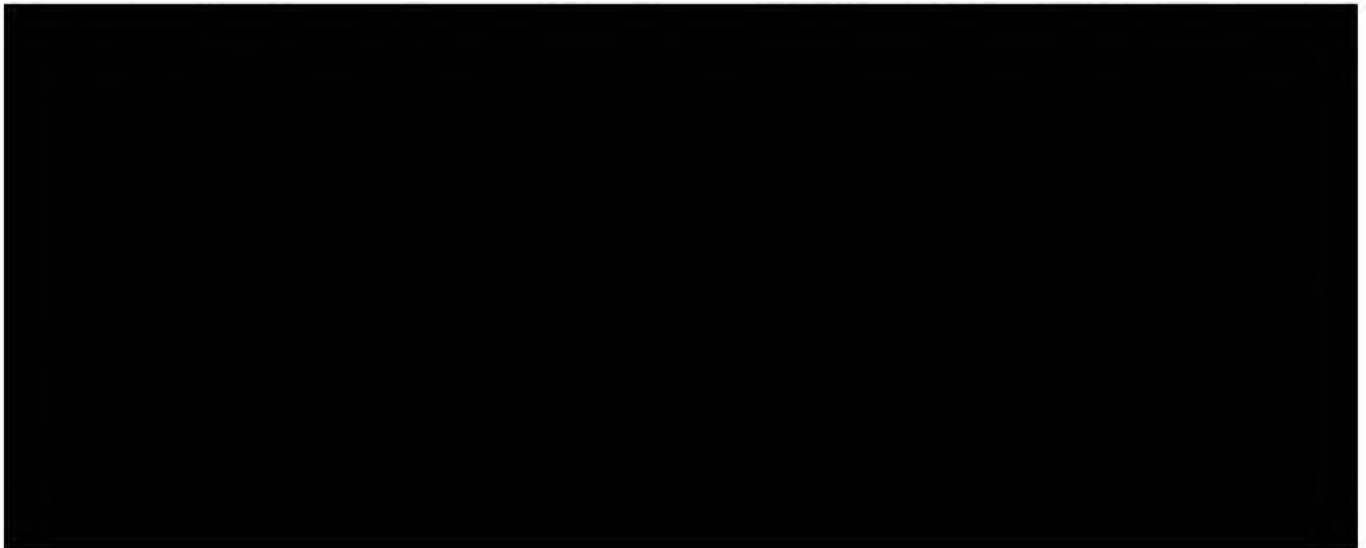
Firm's Authorized Name and Signatory: Matthew Sathuck 

Company's Seal

### 3.2.1 Performance Indicators

The table below contains the requested performance indicators across Gateway Terminal's operations over the last three years. It should be noted that:

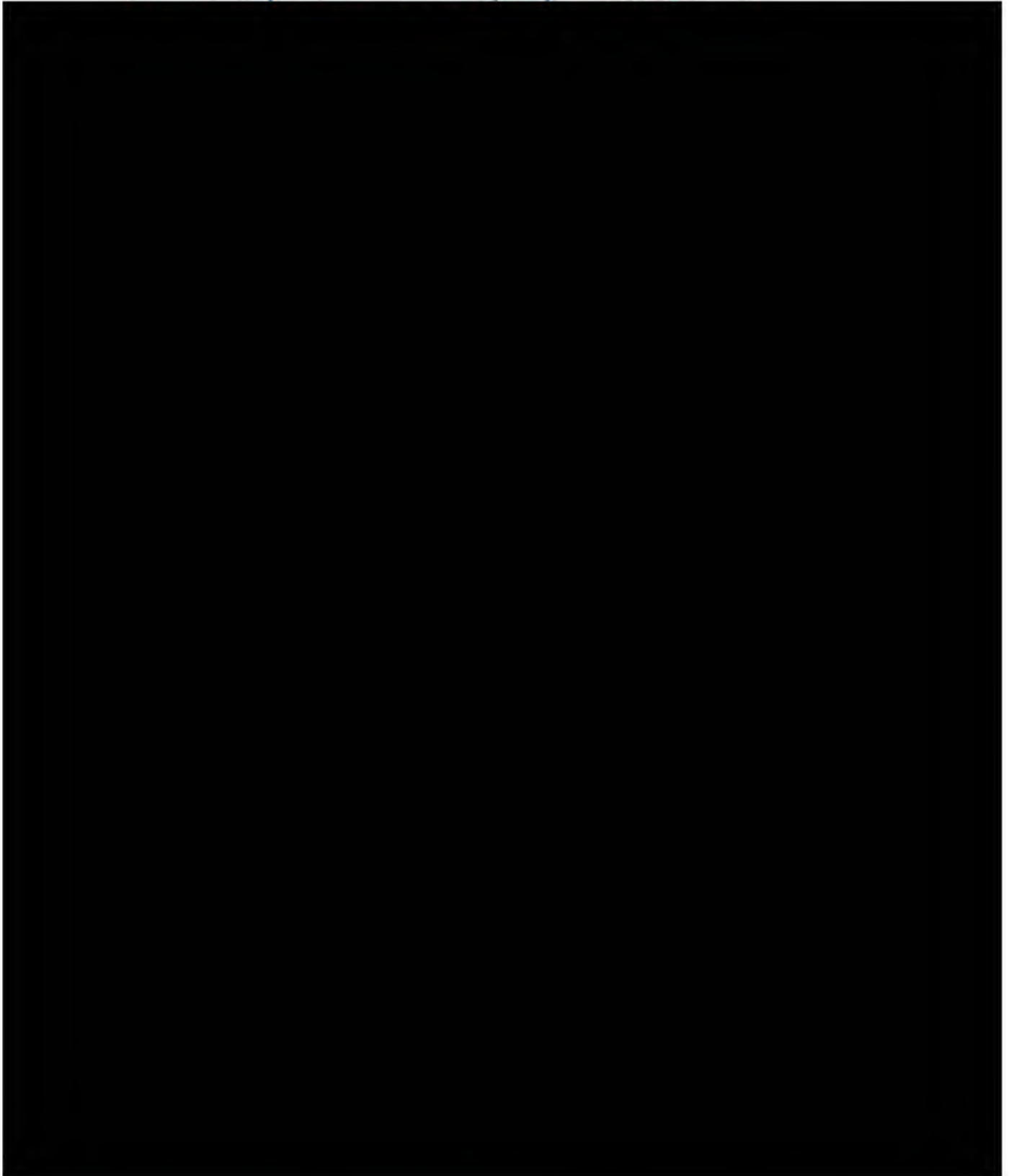
- Gateway handles many cargos with varying degrees of complexities.
- The above Net per ship productivity and Gross per ship productivity table reflects our experience with salt on a per ship basis.
- Annual throughput is reflective of all cargos handled across all of Gateway's operations.





3.3 C – Respondents Financial Capacity

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#### 4. FORM TECH-3: BUSINESS PLAN



##### Summary

Gateway is proud to present its vision for the continued operation and redevelopment of the New London State Pier. New London's location, transportation network connections, bridge free, open-ocean access and deep-water channel are key strategic advantages that few other New England Ports possess. We believe that the State Pier represents a unique and mutually-beneficial opportunity for the State of Connecticut, the Connecticut Port Authority, the City of New London, and Gateway Terminal.

Gateway Terminal is a Connecticut success story. In our 33 years of operation, we have demonstrated a track record of consistent growth, flexibility and entrepreneurial spirit that has allowed us to capture approximately 90% of the dry and breakbulk cargo that move through Connecticut's three deep-water ports. We have built our terminal locations to handle a wide range of breakbulk, dry bulk and liquid bulk products. This diversification in cargos handled, modes of transportation offered, inland logistics and regions served has fostered Gateway's growth and allowed us to provide long-term, stable employment to a staff of approximately 150. Gateway's long-term commitment to Connecticut, existing port operations and willingness to develop new markets makes us uniquely qualified to operate the New London State Pier. As the operator of the State Pier, we would not only maintain the existing customer base, but also expand it, providing product diversification and revenue stability for the State Pier and the CPA.

There are two principal components to our business plan for the State Pier:

**1. Grow and Improve conventional cargos:** We will first take over the existing bulk and breakbulk business and plan a seamless transition that will ensure existing customers and volumes are retained. By leveraging our strong and diverse customer base, operational synergies with New Haven, and our ability to deploy capital investment for new projects, we will then significantly grow the conventional cargo business. This increased level of activity will result in approximately 48 direct port operations jobs and a substantial increase in fees to the CPA. In addition, Gateway will make a significant capital investment to service and grow the State Pier, resulting in approximately 30 direct construction jobs over a six-month period.



[REDACTED]

Our plans are explained in more detail in the following sections.

#### **4.1 Vision for maximizing the potential of the State Pier and how the Respondent will develop the business**

##### **4.1.1 Grow and Improve Conventional Cargos**

Gateway's conventional cargo business is rapidly growing and an operation in New London would be a natural expansion point. Our vision for maximizing the State Pier's potential is as follows:

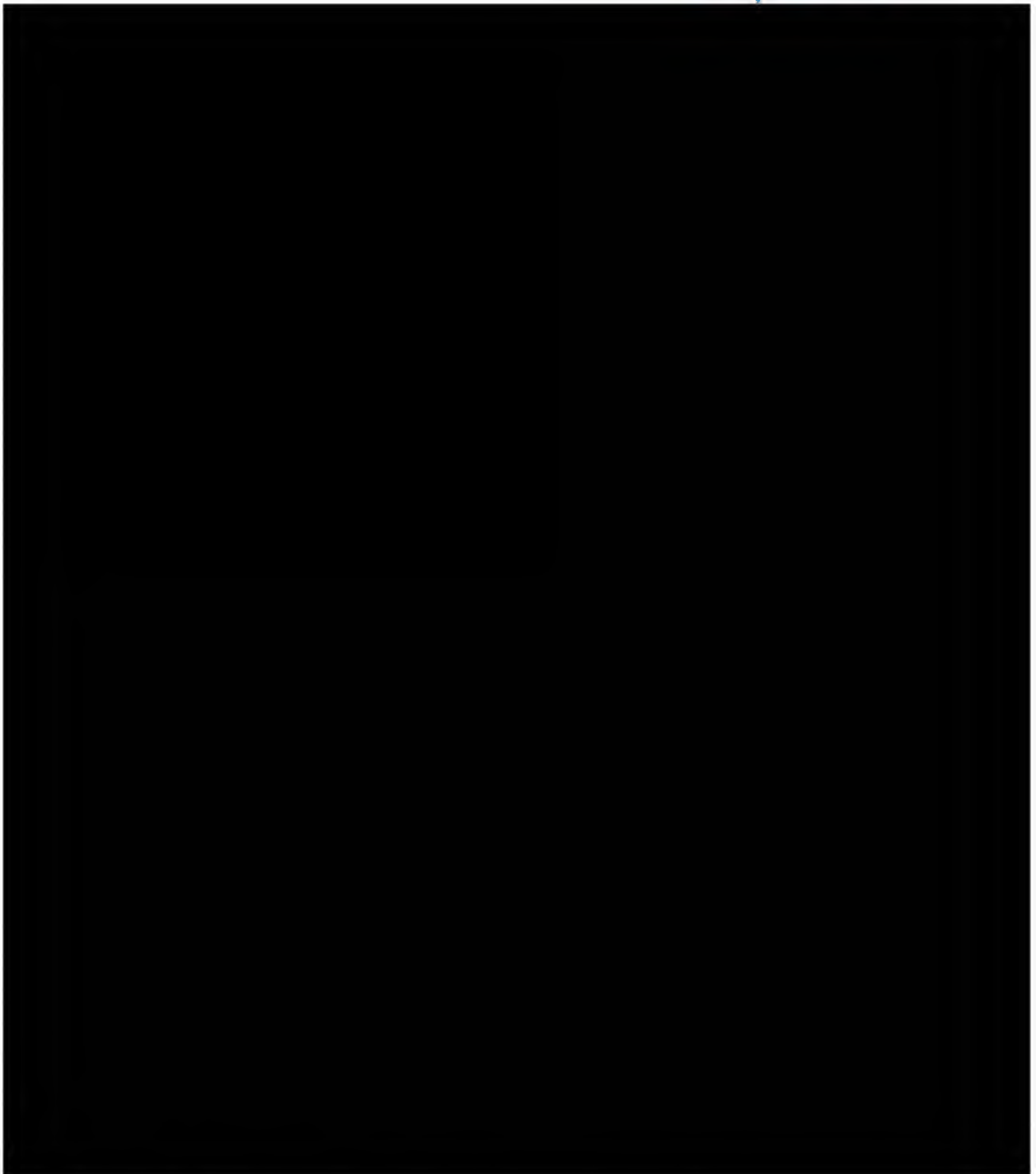
##### **Leverage Gateway's Strong and Diverse Customer Base**

We currently provide terminal logistics services to customers which include large multinational corporations such as [REDACTED] as well as established regional firms such as [REDACTED]. We will increase and diversify the State Pier's throughput in part by leveraging our existing customer network in the Port of New Haven to expand their cargos and tonnage to include the State Pier. In addition, we will encourage our clients to bring new ideas to the table while we offer new product handling possibilities, including bagging operations and weather sensitive dry bulk storage and loading options. It is in no way our intention to shift current business from the State Pier to the Port of New Haven unless Bay State Wind requires us to do so.

##### **Improve Service at the State Pier**

We will continue to handle all cargos currently handled by the State Pier. While we currently handle many of these same cargos in New Haven, we will introduce our innovative product cargo handling operations with a view to producing both cost and time savings at the State Pier. We believe there is a clear opportunity to increase volumes over time for existing cargos, especially coils, rebar, salt and beams.

[REDACTED]

**Leverage our Marine Business**

Gateway owns and operates a fleet of 10 U.S. flagged Jones Act vessels comprised of 6 tug boats and 4 barges. We would use our considerable national towing/marine customer base to offer towing into and out of the State Pier, while also offering cargo handling and storage



solutions in New London. We would expect that many of these solutions would be specific to each customer and cargo. These solutions will be based on shipping and receiving at the State Pier, as well as further inland transportation.

#### **Expand our Rail and Truck Intermodal Services**

We also intend to handle cargos that will not arrive or depart via water. These cargos will be both railed and trucked into and out of the facility and will include a wide range of products that require both indoor and outdoor storage and inventory management. We handle over 2,000 railcar loads per year in New Haven, working closely with Genesee & Wyoming's Providence and Worcester short line rail. Genesee & Wyoming is also the owner of the New England Central Railroad short line that serves the State Pier. Working with our partners at Genesee & Wyoming, we see an immediate opportunity to develop the State Pier's rail business.

#### **Leverage Operational Synergies with New Haven**

We plan to leverage operational synergies between New Haven and New London. The proximity of the two operations would allow Gateway to make very efficient use of our labor and equipment. Should additional labor and equipment be needed at the State Pier on short notice, we will quickly dispatch it from New Haven. This will translate into competitive rates and good service, and therefore excellent opportunities to attract and maximize throughput at the State Pier.

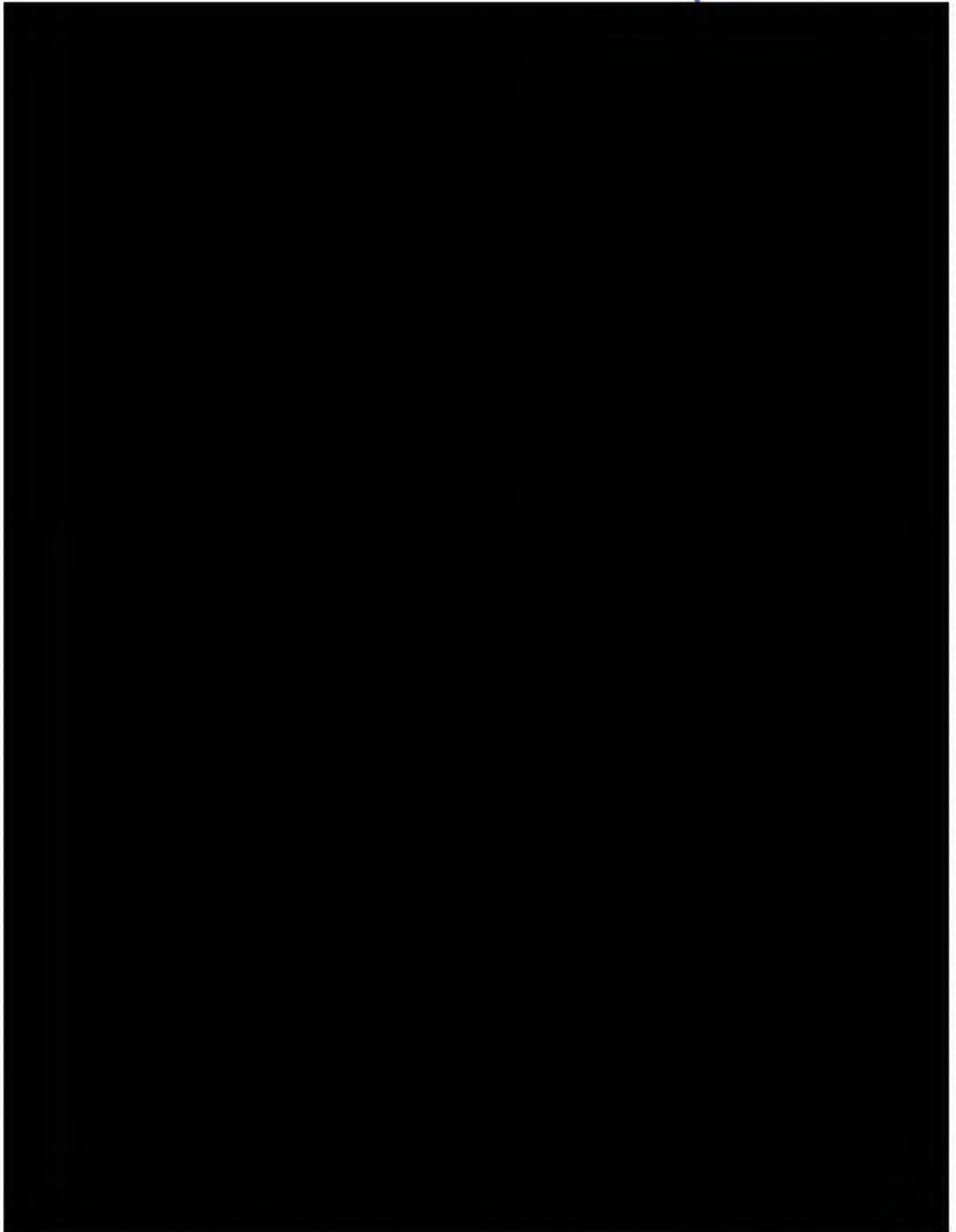
#### **Activate the Foreign Trade Zone**

We will activate the New London Foreign Trade Zone, FTZ-208, to add value to the State Pier's operations moving forward. An activated Foreign-Trade Zone will allow those who import or manufacture cargo to have the cargo stored in accordance with United States Commerce Department regulations, will provide an additional location for final material assembly, and will offer a significant financial advantage by deferring and managing the duties on imported cargo,

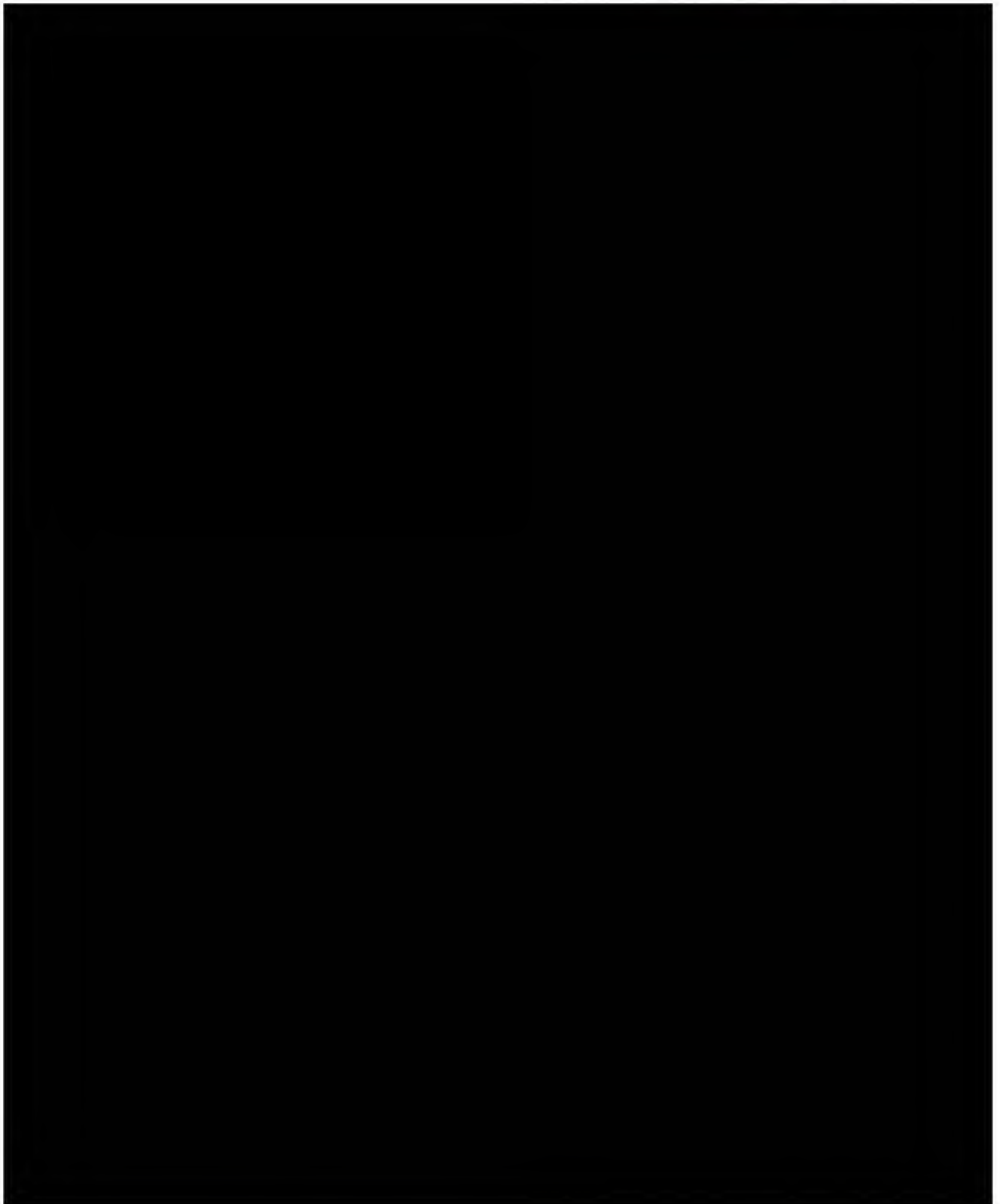
[REDACTED] The FTZ operates as a type of public utility, which, regulated by the United States Commerce Department, as noted above, ensures that anyone wishing to avail themselves to the benefits of FTZ-208 can do so under the mandate of Uniform Treatment. The economic impact of an activated FTZ-208 will benefit importers and manufacturers in the region by allowing them to compete globally while reducing the effects of tariff volatility.

#### **Scour Stone Supply**

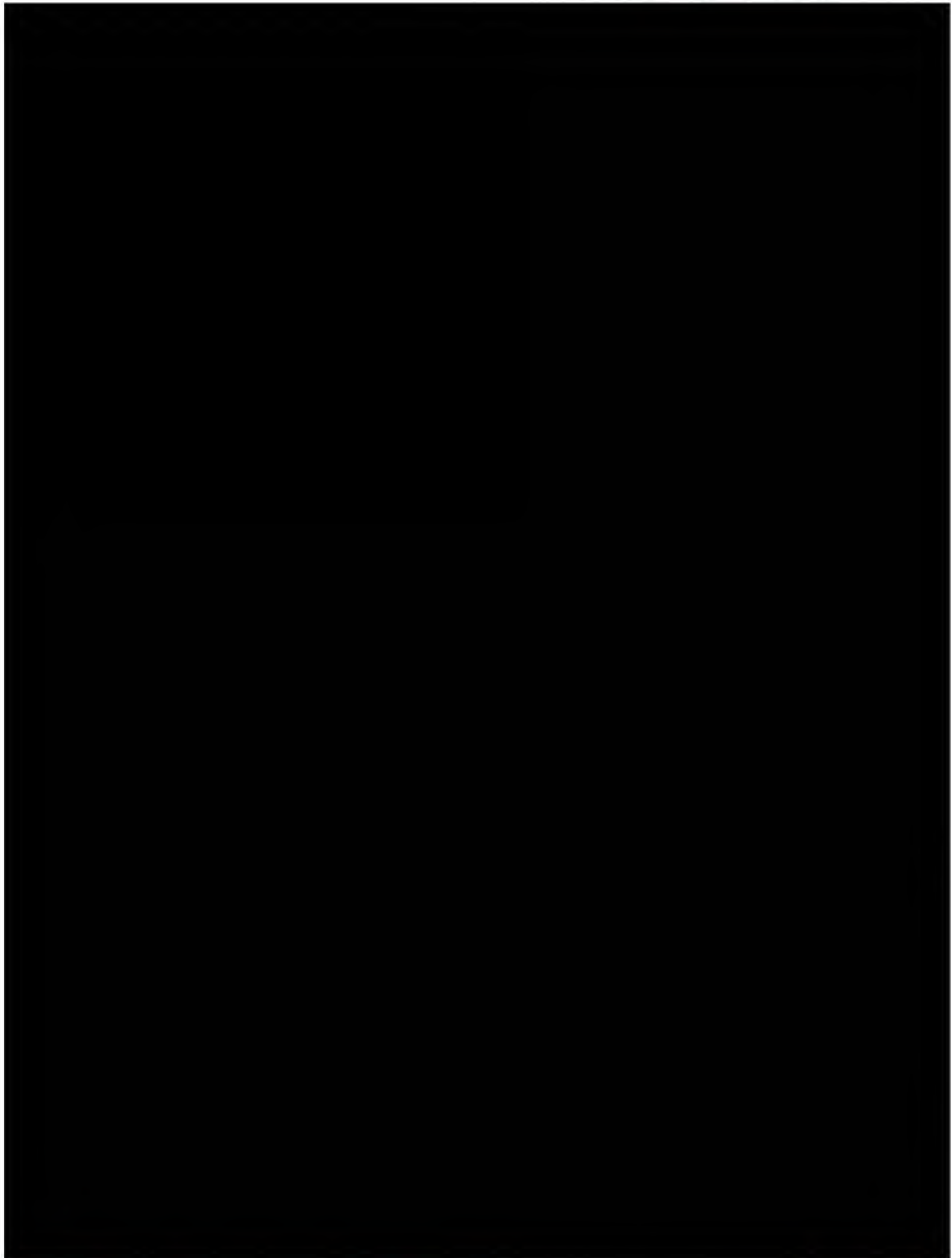
[REDACTED] New London's connection to rail provides access to stone suppliers throughout New England.

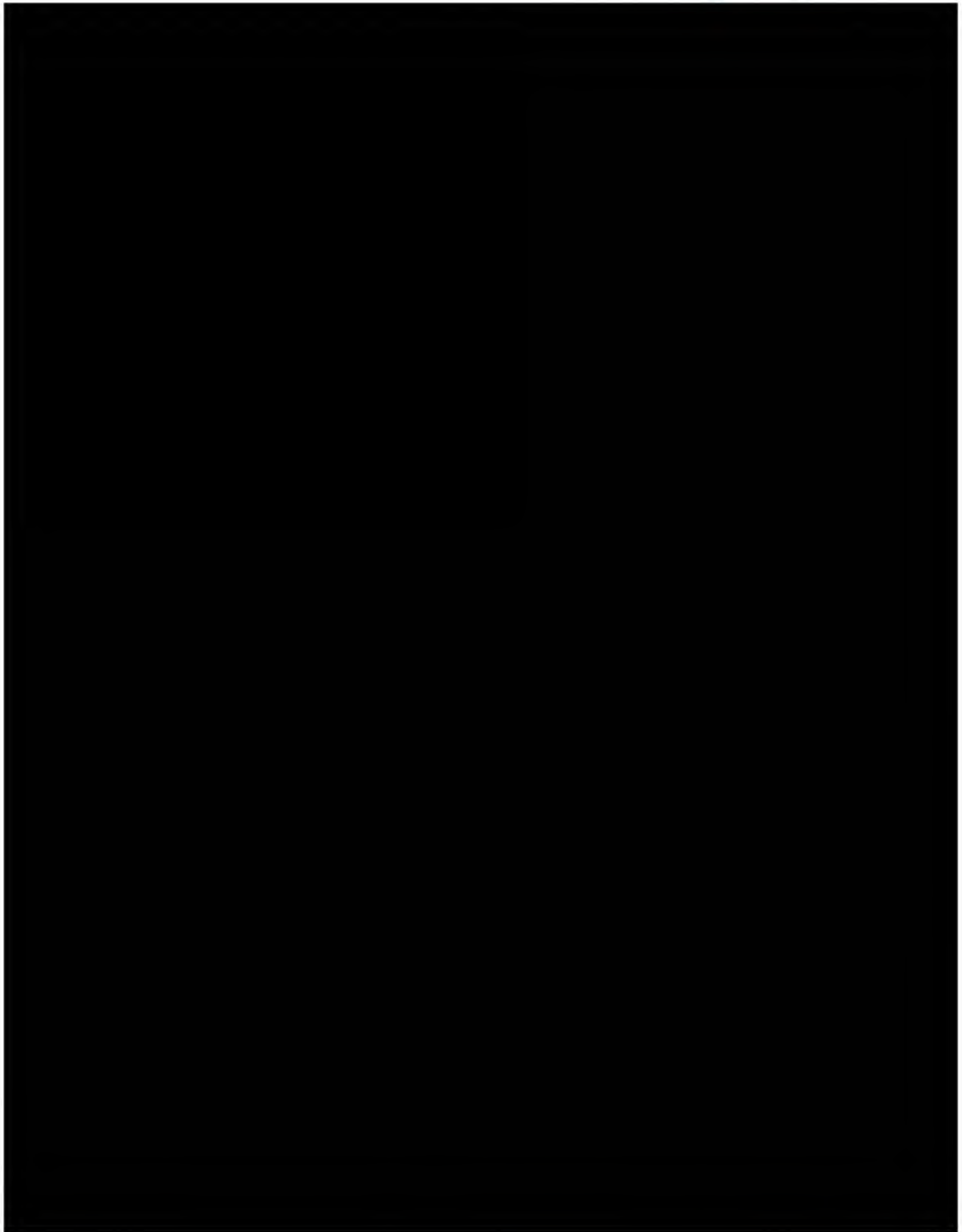


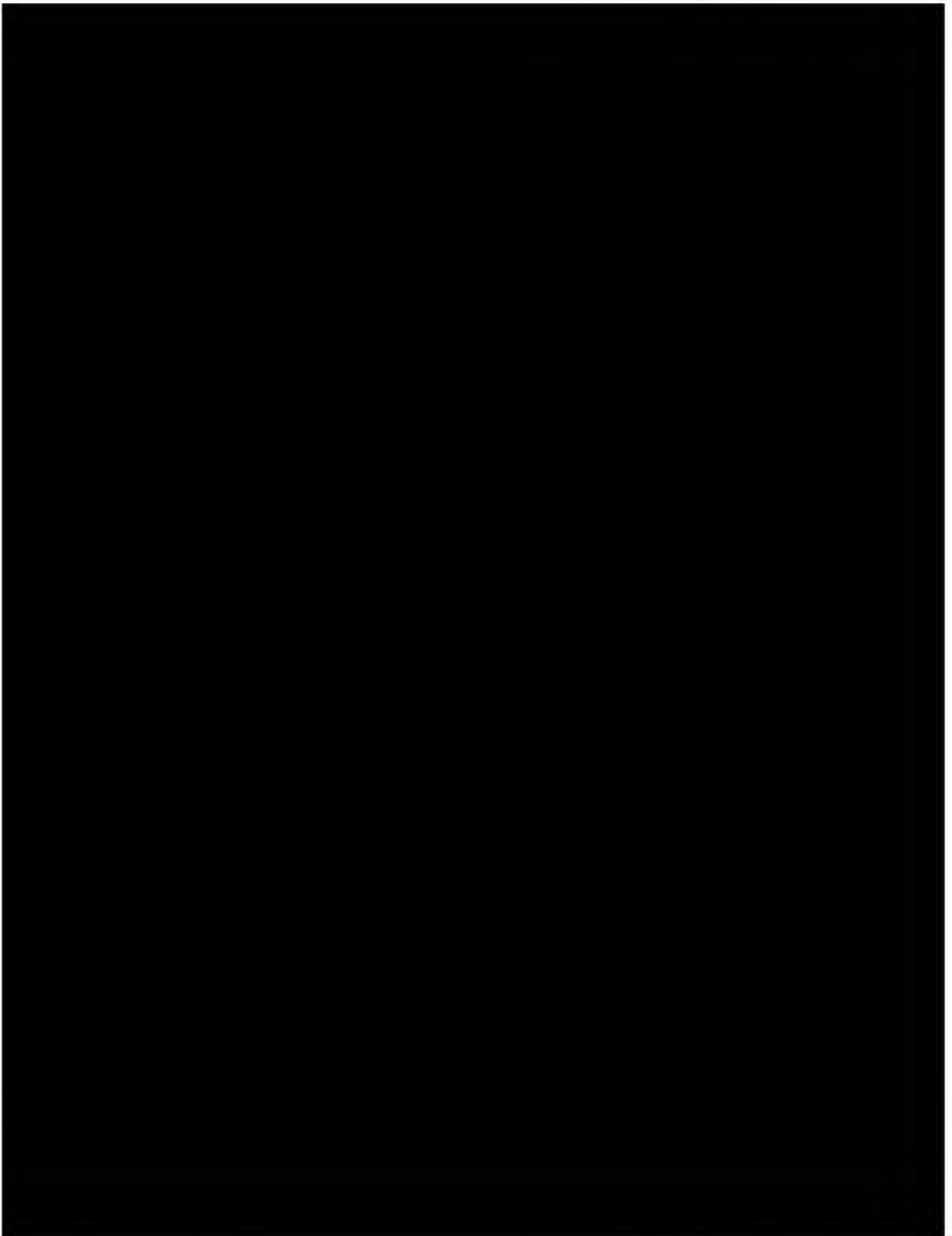
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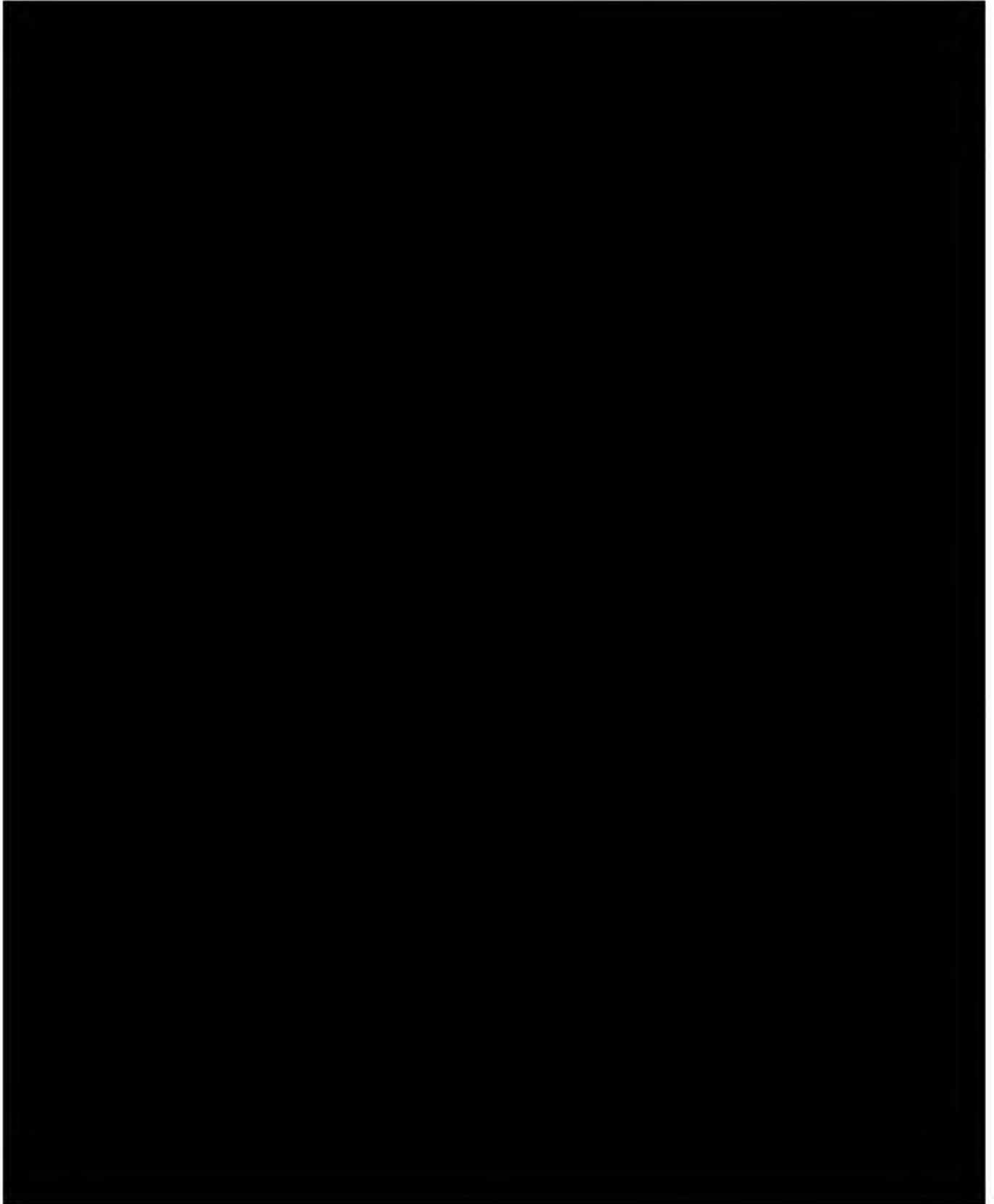




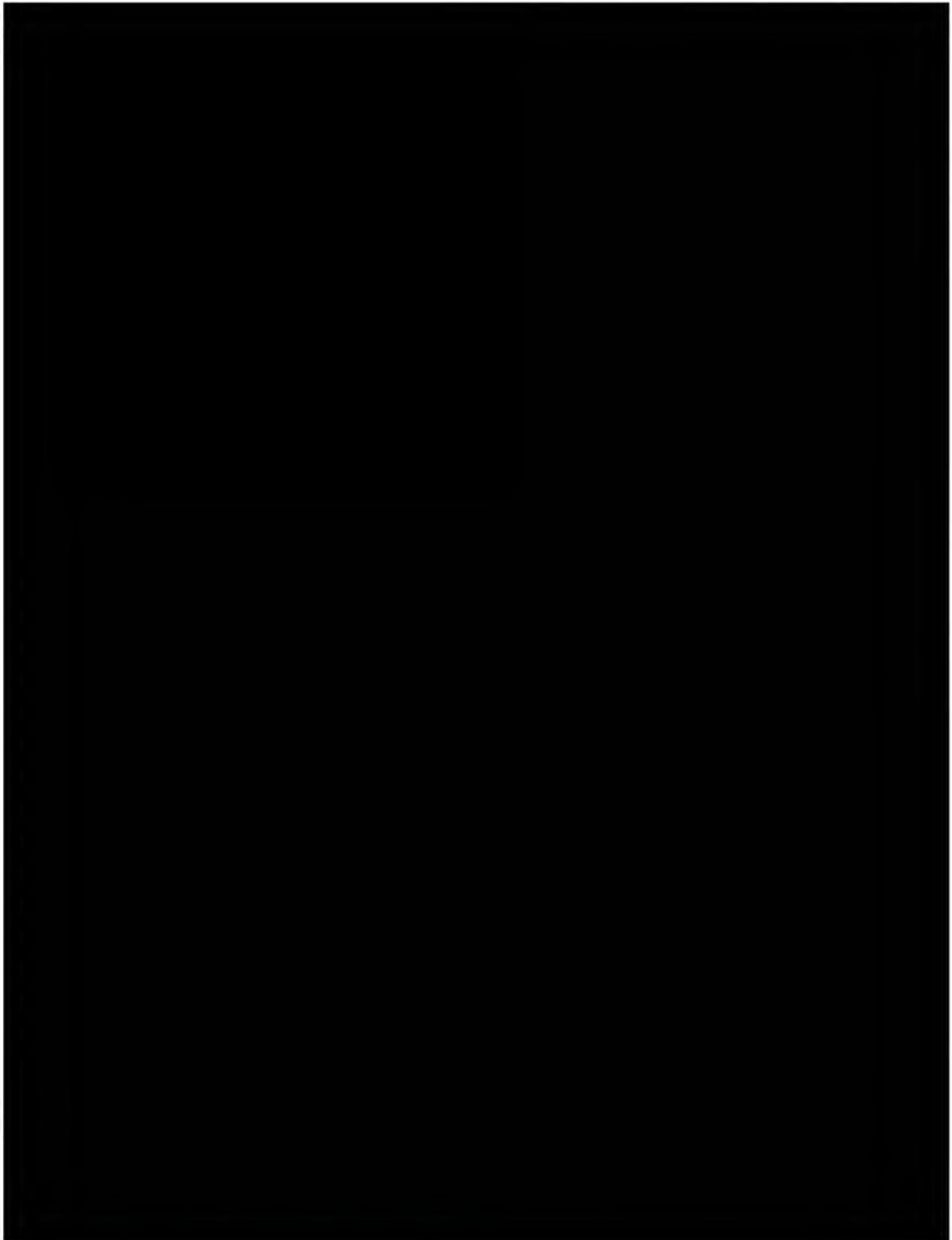


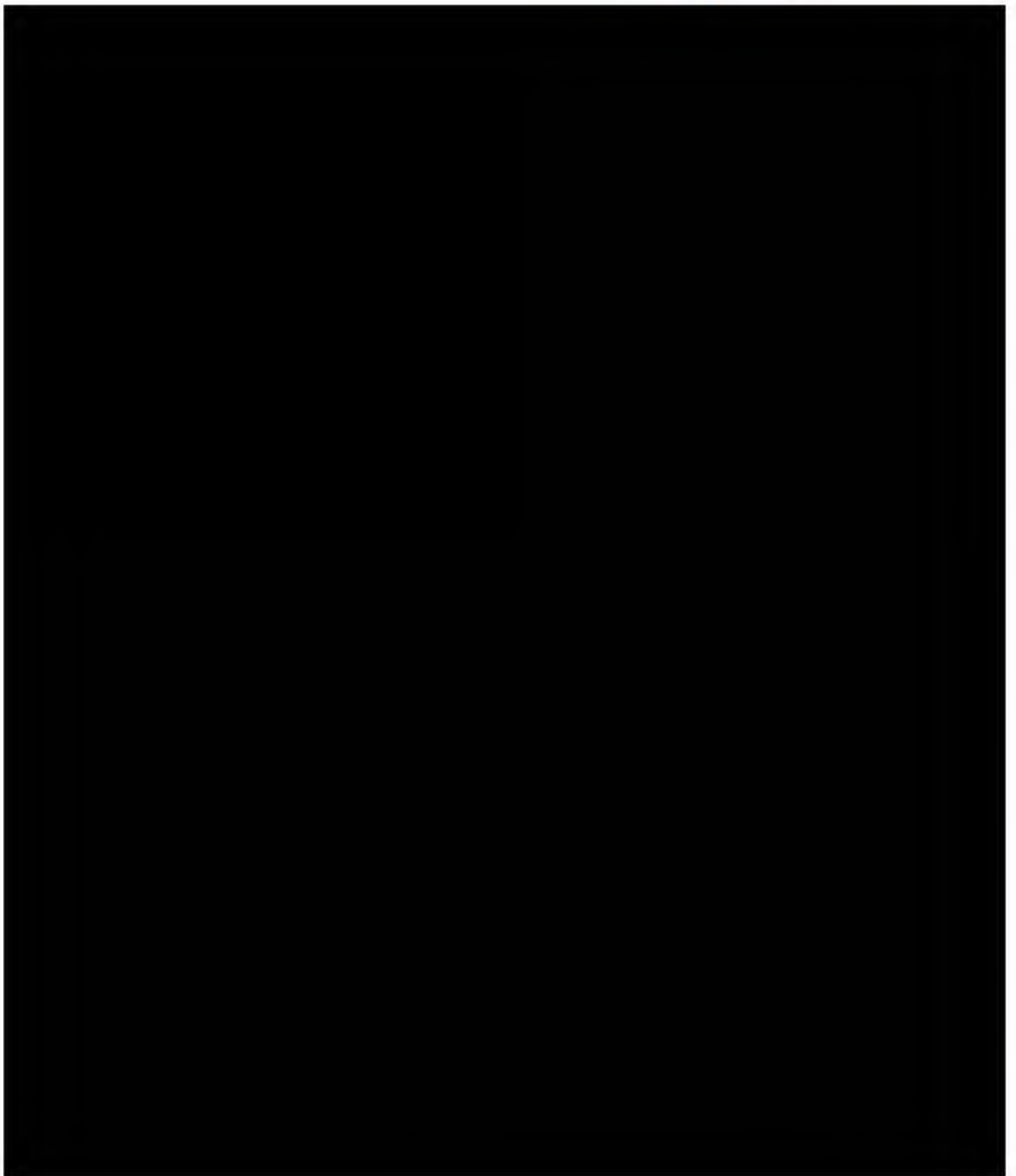


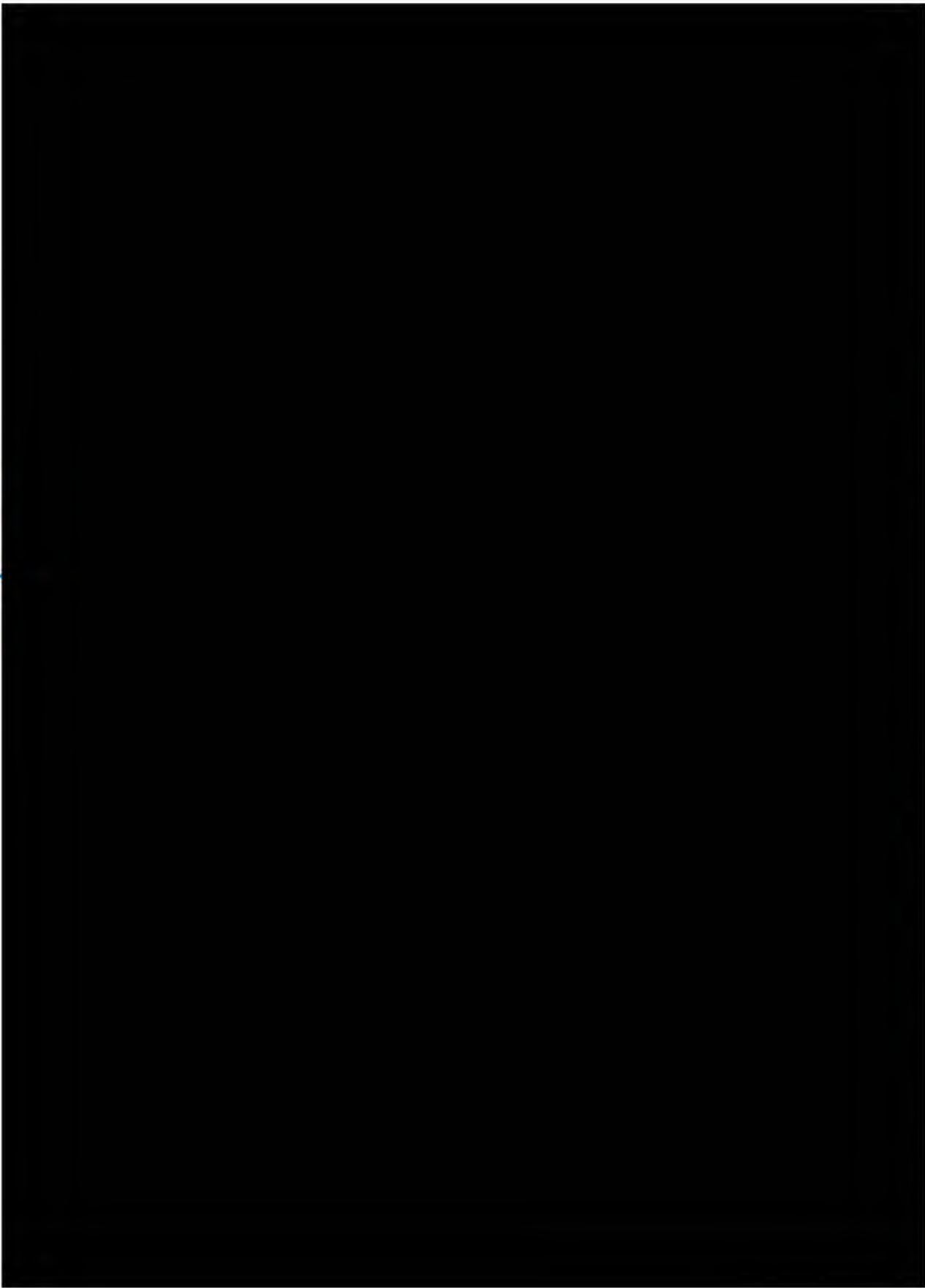




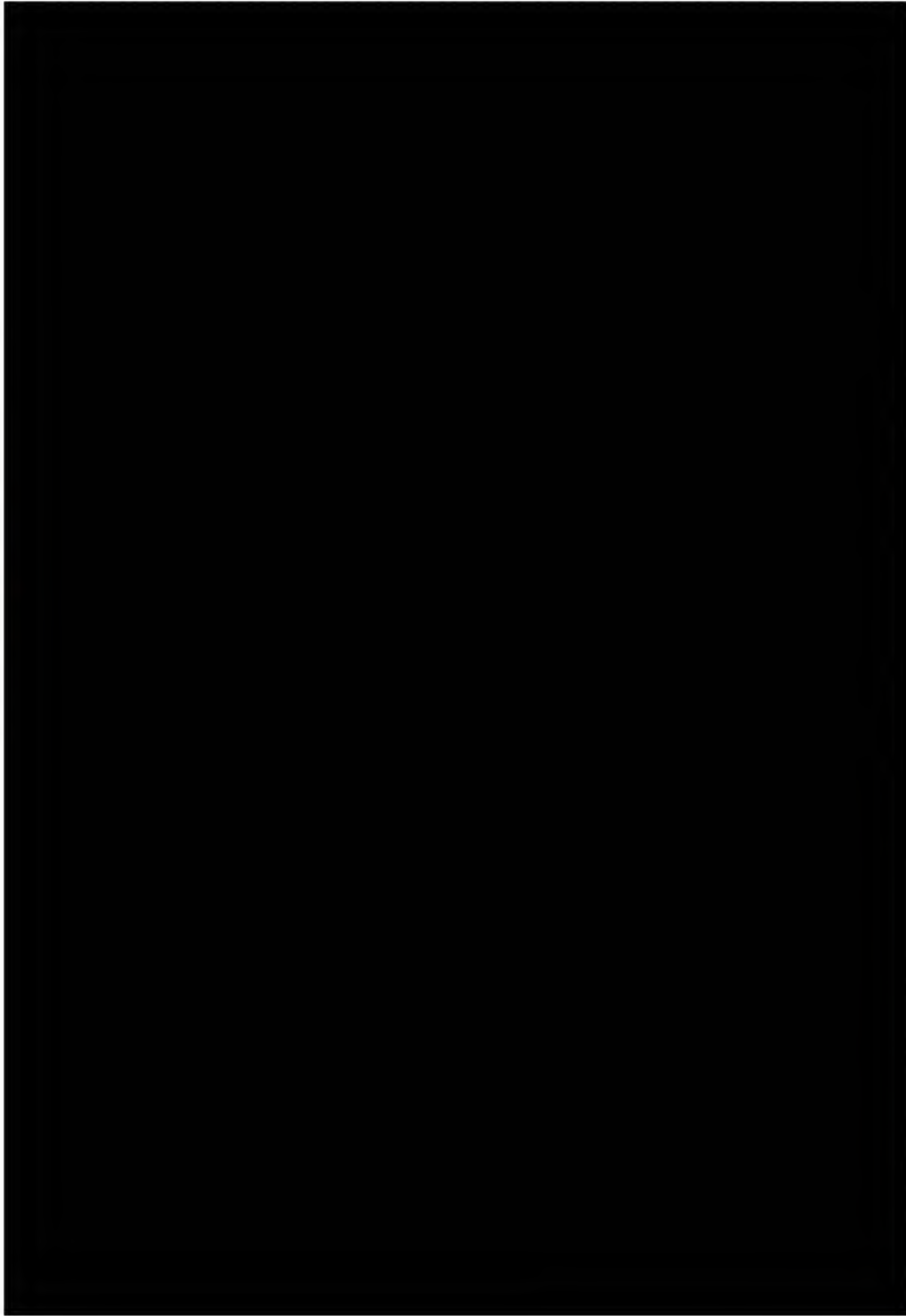








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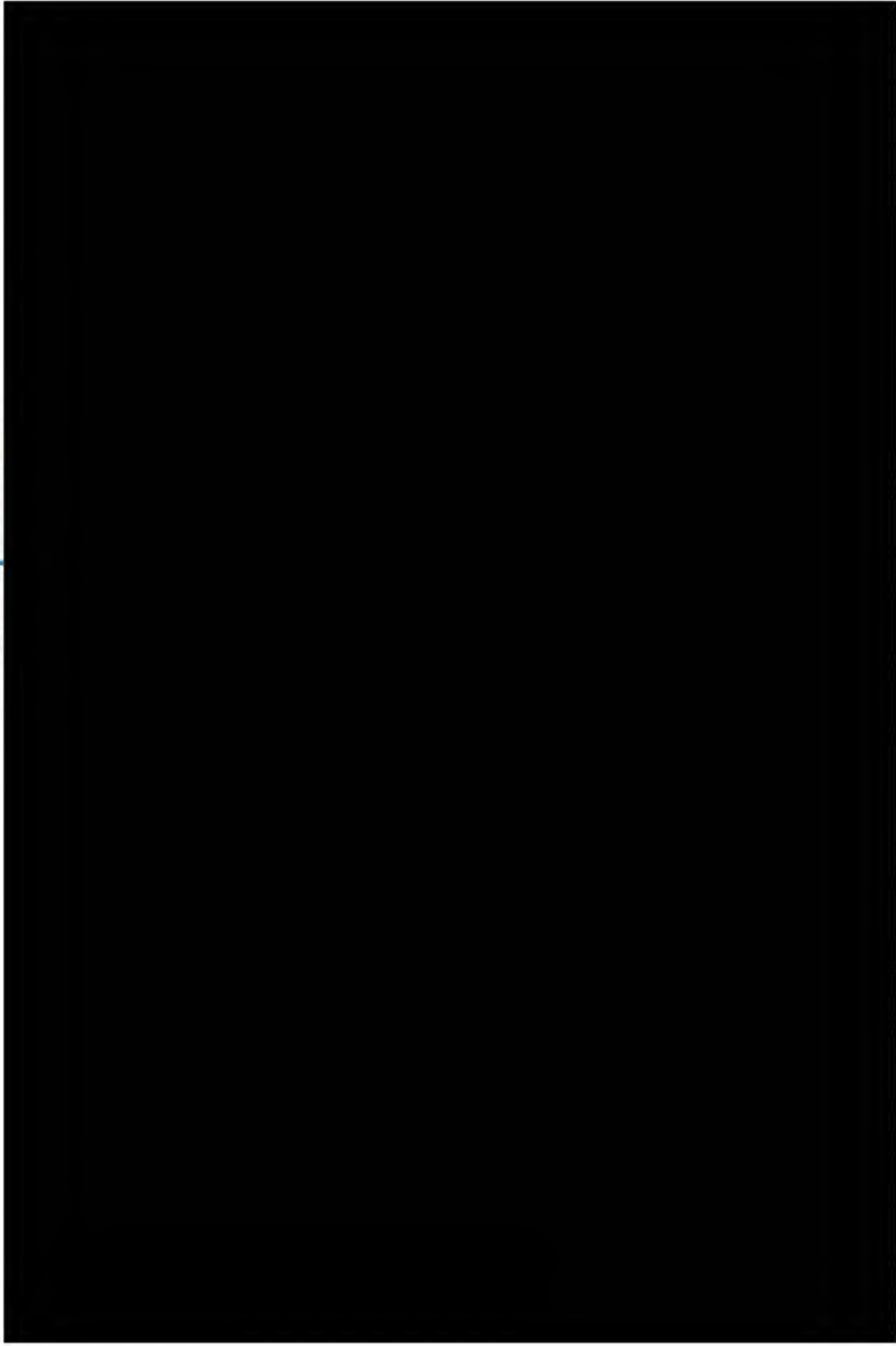


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## 4.2 Forecast – Vessel Calls

Gateway expects to significantly increase vessel and barge calls for the State Pier driven by the expansion of cargo currently handled and new cargos we will introduce.

**Table 4.1 Projected Conventional Cargo Vessel Traffic**

Operational Year	Current Vessel	Current Barge	Projected Barge	Projected Total Vessel Calls	Projected Total Barge Calls	Projected Total Calls
2019	14	11	1	26	0	26
2020	18	15	1	34	50	84
2021	21	17	1	39	58	97
2022	25	18	2	45	66	111
2023	26	19	2	47	74	121
2024	27	20	2	49	82	131
2025	28	20	2	50	90	140
2026	29	20	2	51	95	146
2027	29	20	2	51	99	150
2028	30	21	2	53	104	157
2029	31	21	2	54	109	163
2030	32	21	2	55	115	170
<b>Total Vessel Calls</b>	<b>310</b>	<b>223</b>	<b>21</b>	<b>554</b>	<b>942</b>	<b>1,496</b>



### 4.3 Forecast – Cargo Traffic

Table 4.2 Conventional Cargo Flow Projections in US Tons

Operating Year	Break Bulk (US Tons)	Bulk (US Tons)	Project Cargo (US Tons)	Annual Total (US Tons)	Annual Total (TEUs)
2019	230,381	173,612	11,023	415,016	0
2020	291,779	252,978	22,046	566,803	5,000
2021	344,436	278,276	24,251	646,962	5,750
2022	416,084	299,768	25,463	741,314	6,613
2023	436,226	314,756	26,736	777,719	7,439
2024	451,270	323,509	27,405	802,184	8,183
2025	462,221	328,104	28,090	818,416	9,001
2026	473,446	332,815	28,792	835,053	9,451
2027	484,952	337,642	29,512	852,106	9,924
2028	496,745	342,591	30,250	869,586	10,420
2029	508,833	347,663	31,006	887,502	10,941
2030	521,223	352,863	31,781	905,867	11,488
<b>Total Cargos</b>	<b>5,117,595</b>	<b>3,684,577</b>	<b>316,354</b>	<b>9,118,527</b>	<b>94,210</b>

### 4.4 Cargo handling operational procedure

The policies and procedures employed by Gateway meet or exceed regulatory and industry standards and have been developed through 33 years of operational experience in New Haven. An overview of Gateway's Operational Procedures is provided in the following sections.

#### 4.4.1 Operational Procedures

##### Daily Operations

Director of Operations and Terminal Manager together review all work items and formulate the assignment schedule.

At the start of each work day, all laborers, stevedores and operators are given their daily job assignments. Throughout day, supervisors make adjustments to work crews based on needs and tasks completed.

There is an end of day debriefing between crew leaders and supervisors to discuss completed projects, open tasks, safety concerns, ideas to make tasks more efficient and any other open issues.

**Operational procedures for cargo handling** are driven by the equipment required, capacity limitations and safety of our work force. We focus on utilizing our equipment within the capacity of Safe Work Load using standard industry practices to load and unload general cargo.

#### **Safety Meetings:**

General Safety meetings are held weekly for all employees. Task specific safety meetings are conducted daily to discuss the ongoing operations in the facility and commensurate safety items for each crew.

All employees sign safety meeting sheets that confirm they understand and will abide by safety procedures.

#### **4.4.2 Terminal operating system**

At our current terminals, Gateway Terminal uses fully integrated inventory control and management software. This system was custom designed to Gateway's specifications for the management and tracking of all breakbulk, bulk, project and general cargos. Some features of the system include:

- Real time tracking and reporting of inventory levels and items.
- Perpetual records showing inventory and shipment histories for all cargo. Historic and saved data shows all transactions dating back to the implementation of the system.
- All historic data saved on protected and backed up servers.

On-hand cargo inventory can be tracked and reported by any one or more of the following fields:

- Vessel Name
- Arrival Date
- Importer
- Consignee
- Bill of Lading Number
- Cargo Type
- Size
- Serial Number
- PO or Lot #

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- Cargo Markings
- Weight

Outbound shipments or shipment histories can be tracked and reported by any one or more of the following fields:

- Any of the above-mentioned fields
- Trucking Company
- Trucker's Name
- Date of Pick Up

Our system allows for the updating of any field, which provides for cargo ownership and quantity changes. The system can generate real time reports for both on hand and shipped cargos. Reports can be generated in any format, including Excel and PDF. In addition, our system immediately prints delivery tickets for truckers to sign and accept their outbound loads. All delivery ticket details are saved on our servers and signed hard copies of each ticket are filed. Other system attributes include:

- Approved users can remotely access the system.
- Approved customers have the option to directly log into our system.
- System is easily changeable to meet most customer requirements.
- System can be upgraded to accept barcode scanning.

Gateway Terminal intends to use this same terminal operating system at the State Pier. Our system can accept all cargos that we envision moving through the Port of New London State Pier. We will not hesitate to make changes to the system to handle new cargos or facilitate customer requests to provide enhanced service.

#### 4.4.3 Health Safety Security and Environmental (HSSE) Procedures

Providing employees with a safe and healthy work environment is Gateway Terminal's top priority and displayed proudly in our "Safety First" motto.

Gateway Terminal implements all ANSI and OSHA regulations, including:

- We are a Zero Tolerance Company.
- Pre-employment drug screening.
- Random drug-testing program.
- Drug and alcohol testing in the event of an accident.
- Zero tolerance relating to work place violence.

We believe it is imperative to provide a safe and healthy workplace to enable our employees to strive and succeed. As summarized below, we task senior management, supervisors and our safety supervisor with specific safety criteria on which to focus.

#### Management:

- Obey all safety and security procedures including wearing of all (PPE) Personnel Protective Equipment, visually demonstrating our commitment to safety applies to all employees.
- Ensure weekly general safety meetings and additional safety meetings geared to specific operations are given.
- Conduct random inspections to ensure safety procedures are being followed.
- Ensure adherence to all local, state and federal environmental regulations.
- Know and follow our Zero Tolerance policy.

#### Supervisors:

- Obey all safety and security procedures including wearing of all (PPE) Personnel Protective Equipment, visually demonstrating our commitment to safety applies to all employees.
- Trained in Safe Workplace Practices.
- Trained in Accident Investigation and Reporting.
- Trained in safe job procedures, including rotation of workers.
- Ability to perform equipment safety inspections.
- Participate in all safety meetings.
- Ensure all employees attend safety meetings.
- Train all employees in proper use of PPE.
- Provide safety training.
- Actively observe workers during the day to ensure all safety procedures are followed.
- Maintain the ability to recognize safety issues and take immediate corrective steps if safety policies are violated.
- Follow up and report all safety infractions to management including steps taken to correct infractions.
- Know, follow and ensure that our Zero Tolerance policy is upheld.

#### Safety Manager:

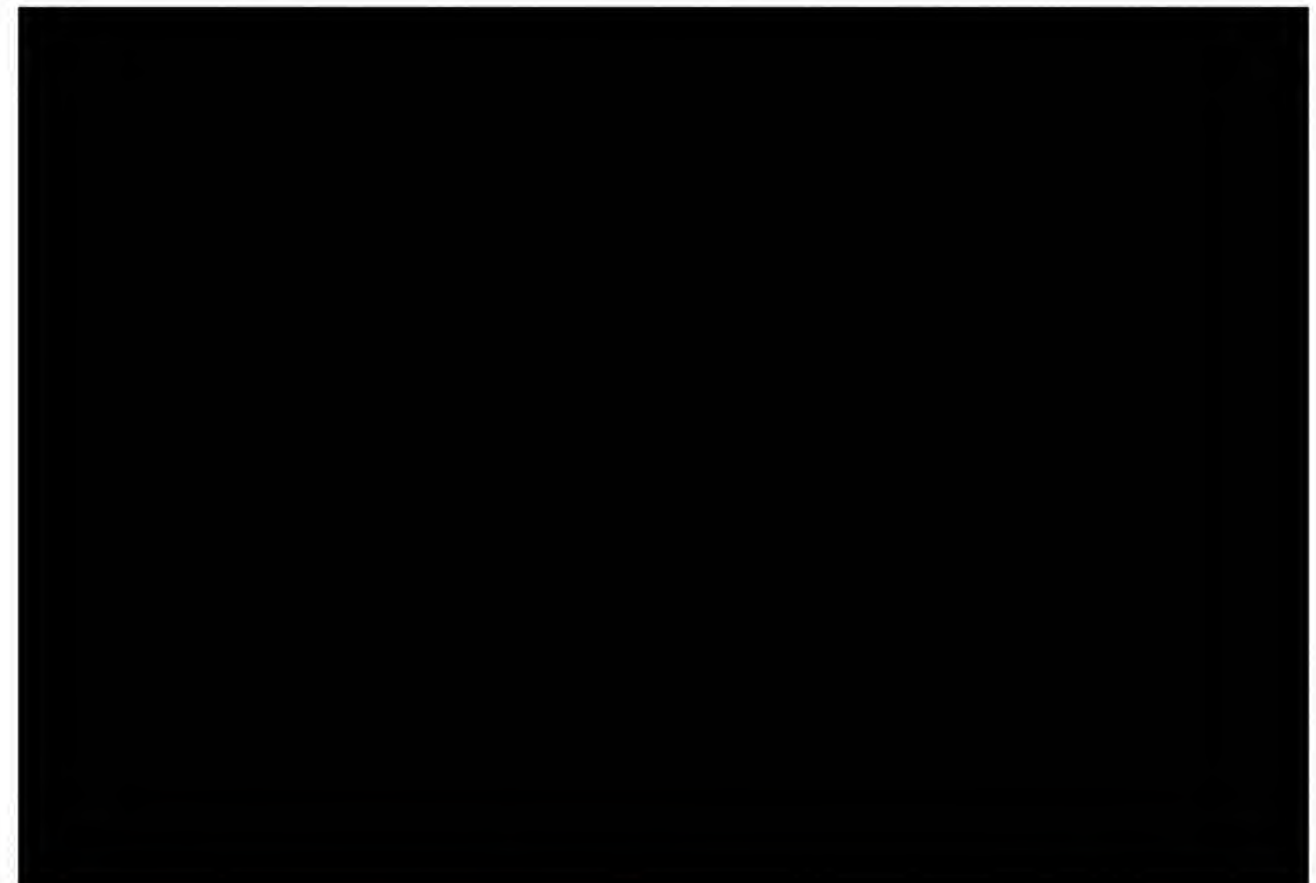
- Obey all safety and security procedures including wearing of all (PPE) Personnel Protective Equipment, visually demonstrating our commitment to safety applies to all employees.
- Trained in Safe Workplace Practices.
- Trained in Accident Investigation and Reporting.
- Participate in all safety meetings.



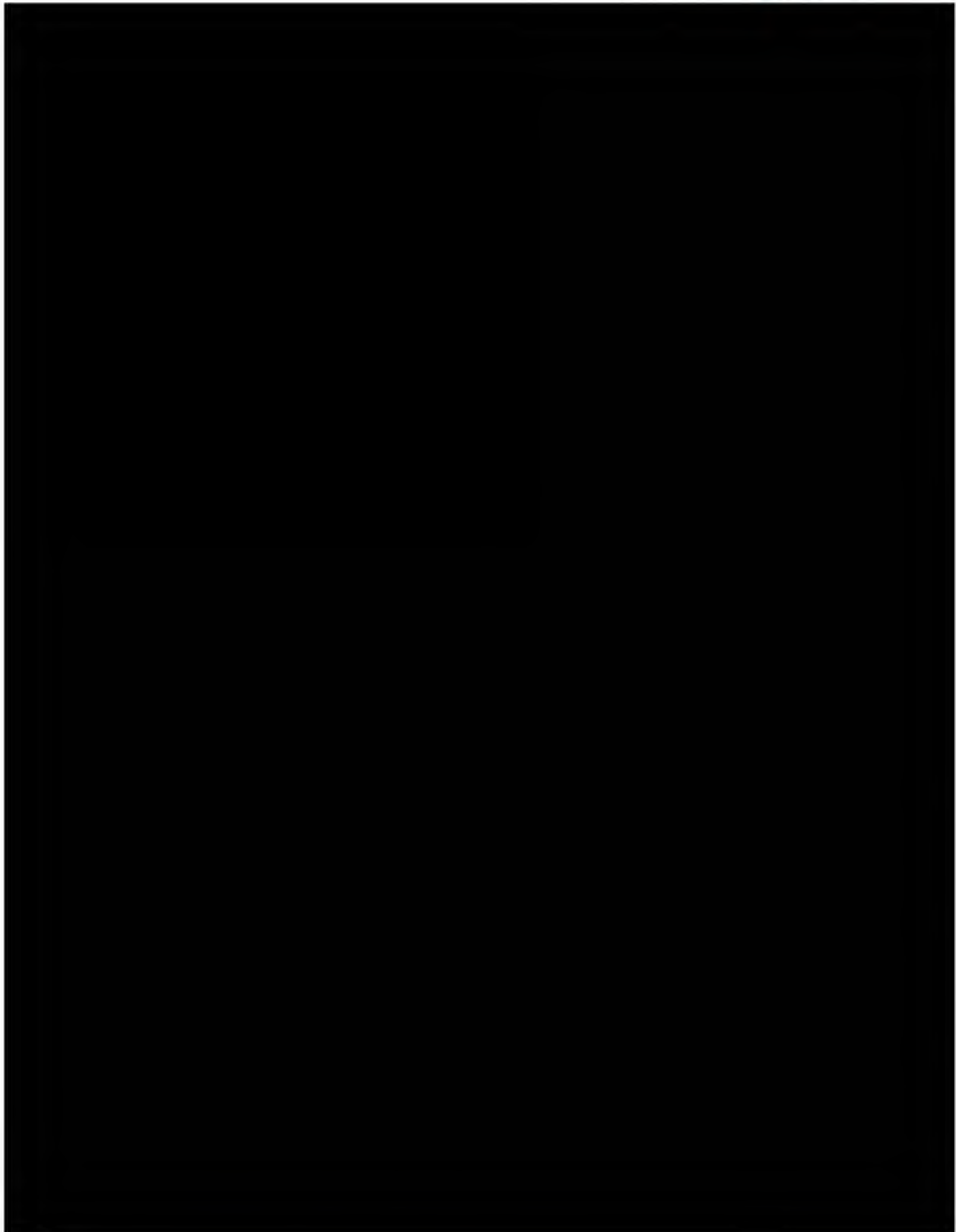
- Organize and present safety meetings.
- Continue to research, develop new material to keep employees interested, and engaged in safety.
- Ensure all PPE provides the highest level of protection.
- Know and follow our zero-tolerance policy.
- Conduct random inspections to ensure safety procedures are being followed.
- Maintain the ability to recognize safety issues and take immediate corrective steps if safety policies are violated.
- Follow up and report all safety infractions to management including steps taken to correct infractions.
- Know and follow Gateway Zero Tolerance policy.

#### 4.4.4 Berth Productivity

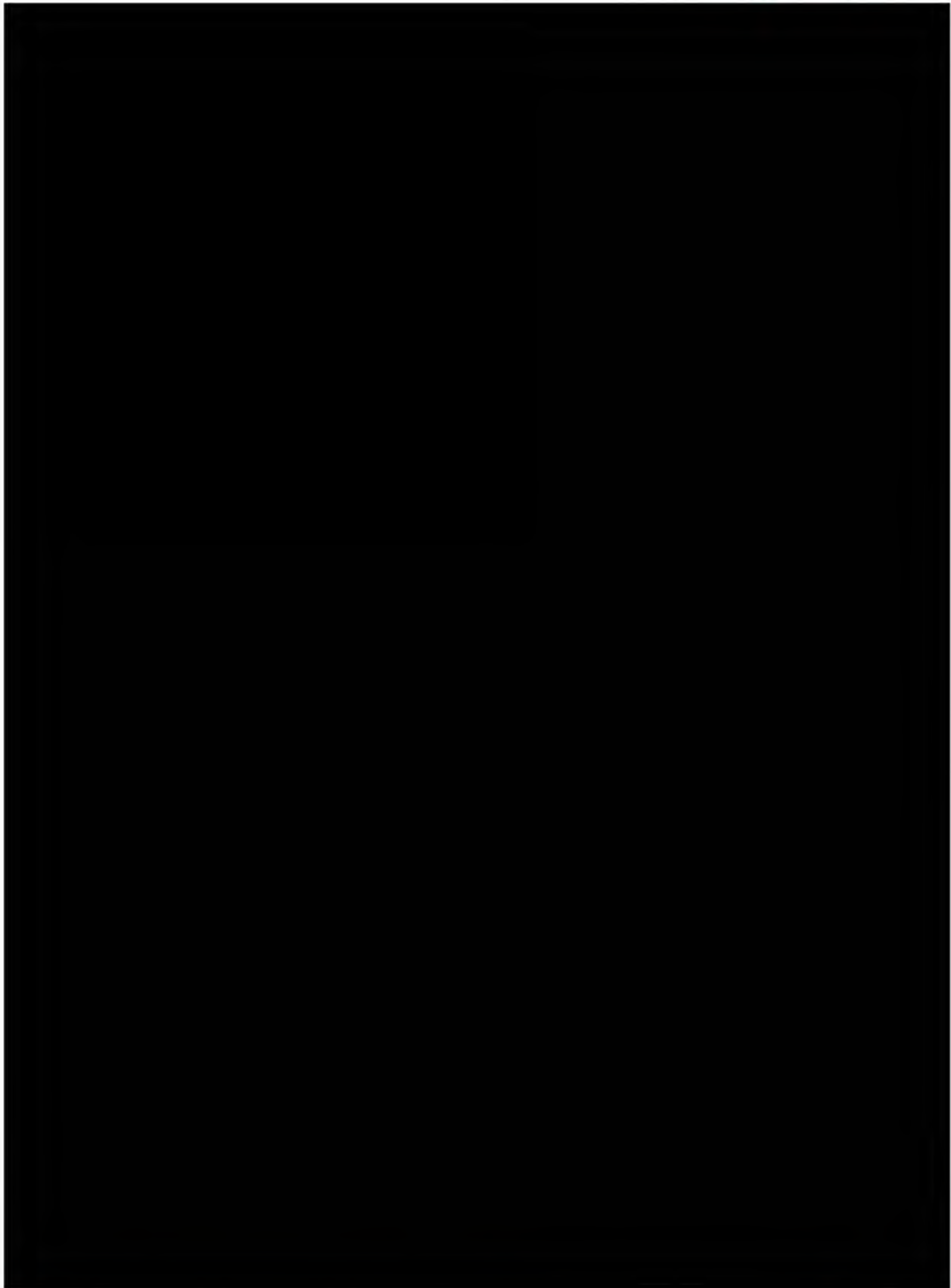
Between ship traffic and Gateway Terminal's extensive tug and barge business, berth productivity will be at its peak. We would expect the berths to be occupied at all times with vessel traffic waiting at anchorage. Our productivity meets or exceeds industry standards.



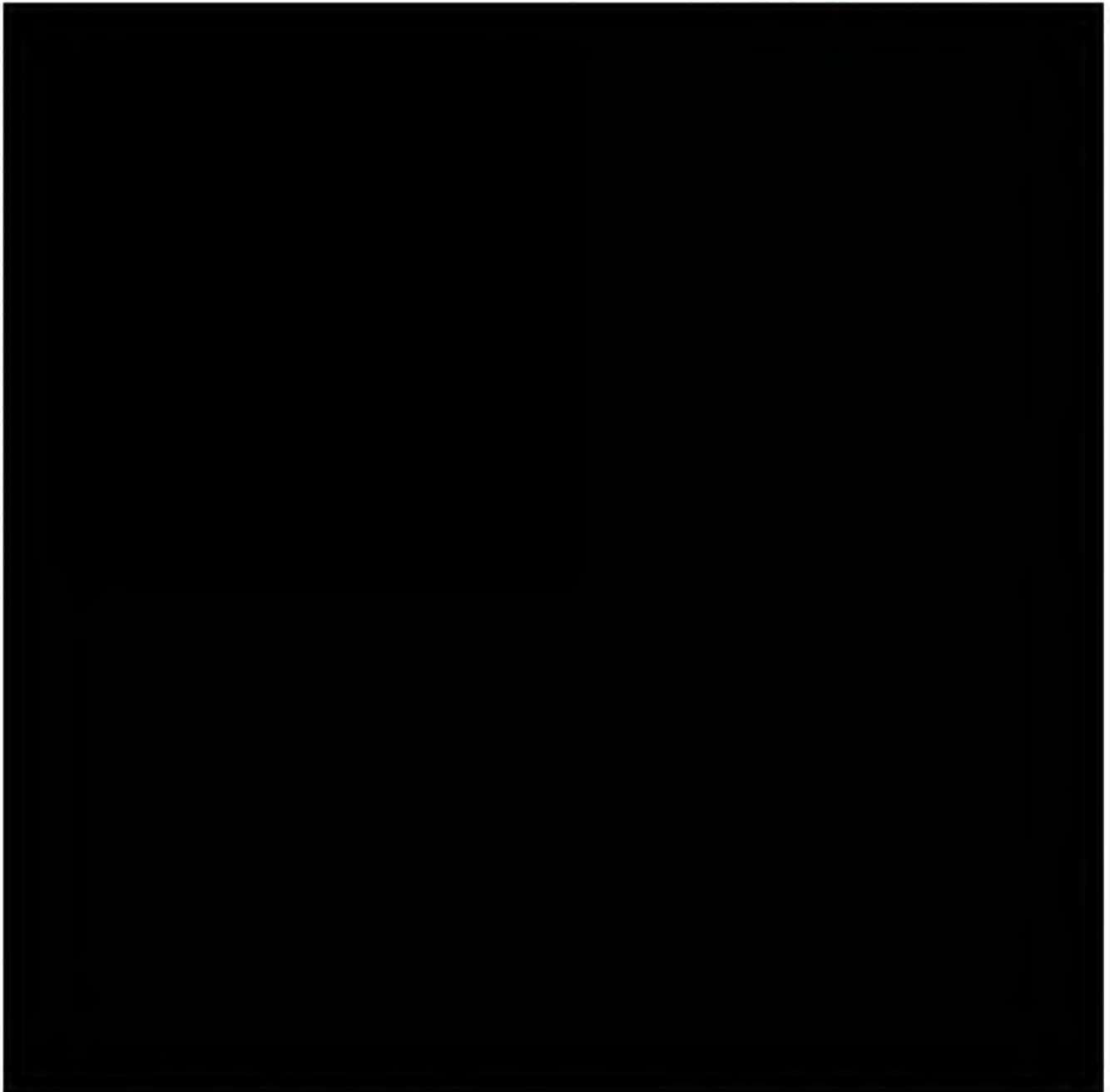
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#### 4.5 Equipment Requirements

Gateway will supply the requisite equipment to operate the terminal, with equipment selection driven by the cargos handled at the facility.

Below is a list of equipment we will be using for different cargos based on our vast knowledge of unloading and loading many different cargos from vessels, barges, rail cars and trucks. Our expertise in operating terminal handling equipment allows us to efficiently move and operate equipment, resulting in maximum productivity. The list below will be increased and altered based on the cargos and volumes that we handle at the Facility.

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#### Base Business Equipment

- Forklifts
  - 30k capacity x 3
  - 36k capacity x 4
  - 55k capacity x 1
  - 6.5k capacity x 4
- Skidsteer – 3250 lb x 2
- Paper Clamp – Single Bale x 8
- 8-yard front-end loaders x 3
- 12-yard dozers
- Forklift attachments
  - Coil Rams
  - 4' Forks
  - 8' Forks
- Loading/unloading railcars
  - 80-ton Rubber Tire Gantry Crane

#### Other Equipment:

- Yard Jockey Trucks
- Material Handlers with various attachments
- Drop deck and stretch trailers
- Specialized spreader bars, cradles and rigging based on commodities handled

#### Container Operations Equipment

- Container Crane – Liebherr 550 x 2
- Reach Stacker x 2
- Trucks – Yard Jockey with Container Chassis x 2
- Chassis x 2
- 12-yard Dozers

### 4.6 Human Resources Plan

At each of our current operating locations, Gateway Terminal provides full-time employment to all employees. Currently numbering approximately 150, these employees are provided with weekly full-time hours, high pay, full benefits, paid vacation, a drug and alcohol-free work environment, unrivaled work place safety and the availability of wide ranging outside programs

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for personal benefit. In addition, Gateway has never seen a single work stoppage at any point in our history. We train and promote from within. In addition, we encourage every employee, at every level, to advance his or her skills through training and certifications. As a result, we enjoy an exceptionally high retention rate, with virtually no turnover in staff year over year. Our focus on creating a positive environment for our employees translates into a consistent, high level of service to all customers.

When detailing the positions below, it's important to remember that our office in New Haven is located only 45 miles from the State Pier and is accessible in approximately 50 minutes by car. It's our intention that all members of our management team will spend regular time in New London, with many members splitting their time between the two locations. We have provided below our workforce based on our expected labor needs on average over our projected period.

#### 4.6.1 Senior management

Our senior management team will consist of 11 individuals. These positions will be based in our New Haven, CT office, but offices will be maintained at the State Pier. The expectation is that all members of the senior management will spend some portion of each day or week at the State Pier. The exact amount of time each member spends at the State Pier will vary based on immediate and forward-looking needs. Operations and Sales will be at the State Pier each day. The senior management team for the State Pier will consist of:

- Chief Executive Officer
- Chief Operation Officer
- Chief Financial Officer
- Terminal Manager
- Director of Operations
- Business Development Manager/FSO
- HSSE and ICT Director/AFSO
- Sales and Marketing Manager
- Marine Operations Manager
- Trucking Dept Manager
- Marine Division Port Engineer

#### 4.6.2 Financial and administration

Financial and finance related administration will remain centralized in our New Haven, CT office. Our existing finance department will assume all State Pier related day-to-day financial activities, which will include customer invoicing, managing account receivables and payables and the coordination of State Pier outside vendor contracts, among other functions. In addition, our finance group will generate all financial reporting requirements for all State Pier involved entities, including the CPA and State of Connecticut. Our current financial department includes:

- Chief Financial Officer
- Administration Manager
- Invoicing/Accounts Payable/Accounts Receivable Clerk
- Payroll Clerk

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### 4.6.3 Equipment operators

Equipment operators are among our most skilled employees and complete all necessary training to maintain the requisite certifications to operate our equipment. Our operators drive the production and performance of our vessel discharging and loading, providing a critical service to our customers. We work closely with our equipment operators to ensure that our stevedoring service is exceptional, while our strong safety practices remain a priority. Our equipment operators are familiar with the handling and administrative functions of all cargos that move through our various facilities. Our equipment operators at the Facility will consist of:

- Vessel Crane Operators – a minimum of 4 operators
- Forklift Operators – a minimum of 8 operators
- Pay Loader Operators – a minimum of 8 operators
- Tractor Trailer Drivers (in terminal) – a minimum of 5 operators

### 4.6.4 HSSE expert

Gateway Terminal is a safety first company. Health, Safety, Security and Environment are the foundation of our corporate beliefs and constantly reiterated from the top of our organization. From our inception, health and safety have been the cornerstone of our success to ensure a safe and secure workforce for our employees, which leads to optimal services to our customers. Our culture of safety is embedded in every employee, as we have acute awareness that our work environment involves heavy equipment and physical labor.

While we maintain the highest level of safety for our employees out of genuine concern for their well-being, we also have agencies that require us to focus on our safety standards. Our US Coast Guard-approved security plan is audited frequently, often without advance notice. Given our New Haven based marine fleet assets and our bulk liquid tank farm, we are also subject to a very high level of security monitored by both the USCG and TSA. We fully intend to bring our commitment to safety to the State Pier. Our Health & Safety team will consist of:

- Facilities Security Officer
- HSSE Director & Assistant Facilities Officer
- Outside HSSE will be used as required

### 4.6.5 Engineering services/Equipment technicians

At our New Haven, CT operations, our current stock of equipment includes shore cranes, material re-handlers, pay loaders, dozers, forklifts, skid steers, tractors & trailers, plus a wide range of support vehicles. Given our extensive and valuable equipment, we employ several full-time service mechanics/technicians with varying skill sets. Each of these technicians is assigned a fully equipped road service vehicle capable of providing onsite service to any vehicle anywhere in the state. As a result, we handle approximately 90% of all of our repairs and regularly scheduled preventative maintenance onsite. With our anticipated equipment needs at the State Pier, we intend to have on-site full-time maintenance technicians. These technicians will have the training to provide virtually all services to all equipment, including a fleet wide preventative maintenance plan and schedule. For any repairs that may be beyond



our scope, outside certified service technicians will be approved to perform maintenance. Similarly, we will outsource all design and drafting for required major engineering services to firms with whom we already have long term relationships. Our equipment maintenance team at the State Pier will consist of:

- Equipment Technicians – a minimum of 1 technician to be supplemented as needed.

#### 4.6.6 Dock-workers

Our laborers are much more than dock workers. When a vessel is at one of our docks, our stevedores handle rigging, perform checking and tallying, act as signalmen, provide traffic control and constantly clean up to ensure safety to personnel and vehicles. When we do not have vessels at our docks, our laborers handle all terminal functions, assist with facility maintenance and provide general housekeeping. We intend to approach the State Pier operation in the same manner, with our labor force serving as full-time employees. Our laborers at the State Pier would be:

- Laborers -20 workers initially, with the expectation that we will significantly increase our direct labor force as we grow the business over the next 10+ years.

#### 4.5.7 Other staff

Our other staff would revolve around our transportation divisions. As owners and operators of asset based marine tug & barge and trucking divisions, Gateway Terminal currently employs a full staff to manage these businesses. Divisional managers are responsible for all scheduling, pricing, maintenance, certifications, employment and safety. We envision all of these positions based at our New Haven office, but a transportation desk will be maintained at the State Pier. Our transportation divisions' management team consists of:

- Marine Manager
- Port Engineer
- Trucking Manager

At the State Pier, we envision all employees as being full-time. This approach will allow handling any number of vessels, trucks and railcars moving through the port. We will ensure that our labor force includes the appropriate number of supervisors, trained equipment operators and laborers to handle any cargo. There will be at least one operations manager on site, every day. Our operations managers will assign job responsibilities to each worker on a day-by-day basis. Job assignments will vary based on the tasks on hand. We expect the terminal to operate, at a minimum, Monday through Friday from 0700 - 1700hrs. Daily working hours and days worked will vary and be adjusted/extended based on customer service requirements.

#### 4.7 Identification of Senior Personnel

The personnel proposed for the operation of the New London State Pier are as follows:

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Terminal Manager, Robert Ober

Heads of Departments:

- Mark Augur: Operations Manager
- Ed Evans: Business Development Manager/FSO
- John Weber: HSSE and ICT Director/AFSO
- Steve Davis: Sales and Marketing Manager
- Joseph Tiroletto: Finance/Administration
- Chris Clark: Marine Operations Manager
- Frank Baldassare: Trucking Manager
- Mike McDermott: Marine Division Port Engineer

## 9.8 Marketing Plan

Gateway Terminal is a true American success story. Started 23 years ago with the purchase of a dilapidated pier in the Port of New Haven, Gateway has grown to the largest breakbulk and bulk terminal in the northeast. Starting with cargo handling, we grew our business by adding warehouses, a bulk liquid tank farm, tugs, barges, a rail reload facility and a full-service trucking company. Today, Gateway Terminal is far more than a stevedoring or terminal operating company. We offer door to door, custom-designed cargo handling and delivery solutions to our customers. We can handle any type of cargo arriving on or departing in any mode of transportation. We work with many of our customers to source and supply products for their use. Throughout our history, Gateway Terminal has marketed our company and services as a provider of turnkey handling and logistics services.

When Gateway is awarded the State Pier, we will begin marketing New London with the same successful strategy that is currently working at our Port of New Haven locations. This strategy is laid out below.

We will continue to promote the Gateway brand. Gateway Terminal is already very well known, not only in the northeast, but at every port along the east and gulf coasts through the regular calls of our marine division. In Connecticut and the northeast, shippers, traders, mills and steamship lines know us for the handling of their breakbulk, bulk and project cargos. Consignees know us for delivering their cargo with our trucks. We are regular exhibitors at every major industry trade show. We show our continued commitment to the State of Connecticut by supporting and sponsoring all maritime industry organizations. Our assets are visible every day on every major roadway in the state. The Gateway brand is one of service, honesty, commitment, support, experience, innovation, communication, creativity, awareness and safety.

We will continue to expand our face-to-face and personal relationships with every major steamship line, shipper, trader, consignee and agent currently providing service to any port on the US east coast, Great Lakes and eastern Canada. We will market our services to all potential port users with the same level of commitment. We view all businesses involved in



the supply chain as a customer, regardless of whether or not they are directly contracting our services. In the operation of ports and warehouses, many times the cargo owner is not the party contracting our services. However, we know the importance of providing customer service, communication and administrative assistance to all port users.

We will continue to use media of all forms to advertise, promote and develop our business through the State Pier. In addition, we will use available data to research potential cargos that have the ability to move through the State pier. Our local knowledge provides us with a clear advantage to understanding New London's market, but our scope of business will not be limited to traditional cargos or historical geographic lanes. We will place no limits on what cargos, customers or locations we see as potential sources of opportunity for the State Pier.

We will work closely with our local and national railroad contacts. We'll look to the railroads to source potential cargo opportunities. Rail services will be evaluated for both import cargo as well as moving cargo into the State Pier for loading out to barge or vessel. We also have deep relationships with other east coast, Gulf and Canadian ports and expect to work collaboratively on moving cargo between our ports. Gateway Towing can provide direct port to port towing of barges with our US flagged, ABS class marine fleet, including both open and covered barges that have capacity ranging from 5,000 NT to 11,400 NT. Our barges are suitable for carrying any cargos and can access most ports along the US east coast, Gulf and areas in the northern Caribbean. Our marine fleet will allow us to attract cargos across the State Pier, which may arrive or depart on a vessel berthed at a different port.

We envision marketing the State Pier location and facilities to non-port users. We will offer our cargo handling, warehousing, trucking and rail service to potential clients who are not necessarily import/export customers. We expect that a portion of annual tonnage and revenue will be derived from non-waterborne activity.

We have consistently provided our customers with prompt and efficient response times to all requests for service rates and will bring that same level of responsiveness to the Facility. Our rate indications will be clear, concise and appropriate for the cargo and tonnage.

Gateway Terminal is excited to invest in the State Pier to bring the same level of service and execution that we have exemplified through our New Haven operations. We will work with current and potential clients to provide the necessary buildings, land, equipment, technology and labor that they may require to grow their business at the State Pier.

## 4.9 Environmental Consideration and Green Port Policy

Gateway Terminal is sensitive to its surrounding environment. With over 30 years of successful operations as a breakbulk, bulk and liquid storage terminal including truck and marine operations, we have developed an acute sensitivity to the impact we have on the environment and our surrounding neighbors. We understand the importance of handling all commodities with the utmost care, not only for our customers, but also for the well-being of the State of Connecticut and our ecosystem. We will bring our same high level of environmental standards to the State Pier, with a focus on protecting the local community and environment from any adverse impacts of our operations.



We continue to look for ways to reduce our environmental footprint. We also maintain compliance with local, state and federal regulations, including Industrial Storm Water Permitting (SWPPP), Spill Prevention, Control and Countermeasure Plan (SPCC Plan) requirements, Hazardous Waste Requirements (CESQG), Air Emissions and US Boiler MACT Requirements, among others.

As we modernize the State Pier facility to accommodate the increase in different cargos we will bring our forward thinking to create a facility that is more efficient and environmentally aware. We will focus on both the existing infrastructure and capital improvements that will not only service our customers and grow cargo volumes, but will do so with an understanding of our carbon footprint.

Similarly, we believe that our plan to maximize the use of rail and barge to move cargo in and out of the Port will significantly reduce the number of trucks on the local and state roads and highways, thus decreasing traffic and emissions. As a reminder, one 1,750-ton barge is equivalent to sixteen 110-ton rail cars and seventy 25-ton large semis / tractor trailers.

We will ensure that our cargo handling equipment will use the latest emissions reducing diesel engines available. We will also use equipment that has the ability to use cleaner-burning vegetable-based biofuel when possible.

We will also employ a "Reduce, Reuse, Recycle" waste management program. Trash and recycled containers will be located conveniently throughout the facility. The trash and recycle containers are emptied into dumpsters that will be located in strategic areas of the facility to avoid the chance of being disturbed by wind or storm water runoff.

Our goal is to work with the City of New London and become a valuable partner preserving the assets of the Port and the Thames River.

#### 4.10 Corporate Social Responsibility (CSR) Project/Activities

As port operator of the State Pier, Gateway Terminal will continue with established practices for CSR that our Company has had in place for over 30 years.

Gateway Terminal will continue to seek out ways to reduce our carbon footprint and protect the environment. We will continue to go beyond local, state and federal regulations to create a safe and healthy environment for our employees, visitors and neighbors. We continually update our cargo handling equipment with the latest emission reducing engines. Our practice of replacing light fixtures and lightbulbs with the newest energy star rated products available is just the start of our policy. We will deploy our Reduce, Reuse, Recycle program as port operator of the State Pier. A few of the key elements of our RRR program include the following:

- Provide separate receptacles for Glass, Plastic and Metal
- Recycle and or donate old electronics

- Reduce or eliminate the use of packaging and packing materials
- Purchase materials made from recycled material when possible

Gateway Terminal believes in sharing our success with those in need. Gateway has and continues to donate money and services to hospitals and institutions locally and across the U.S. As the new operator of the State Pier in New London, we will look for ways to help the local community in and around New London with both donations and services.

Gateway Terminal also believes in treating our employees fairly. We intend to bring the same mindset to New London. We understand that we are only as good as our employees. Our policy of treating all employees with respect has allowed Gateway Terminal to grow and retain workers over the years.

We will offer continued safety training as well as training on the job to allow them to advance through our company. Gateway's motto is "Safety First" and our goal is to provide all employees a safe work environment and proper training to accomplish these goals.

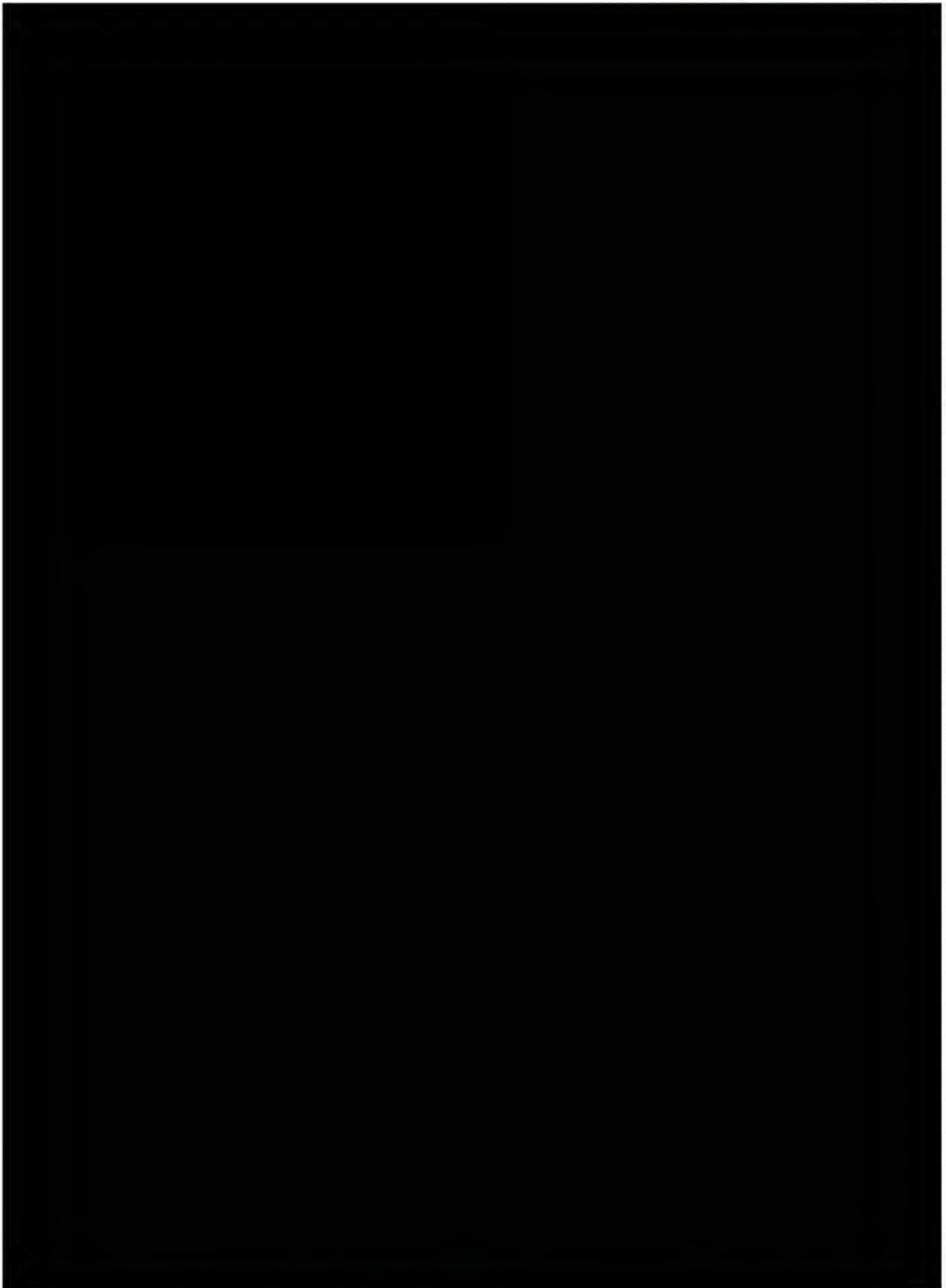
#### 4.11 Economic Development

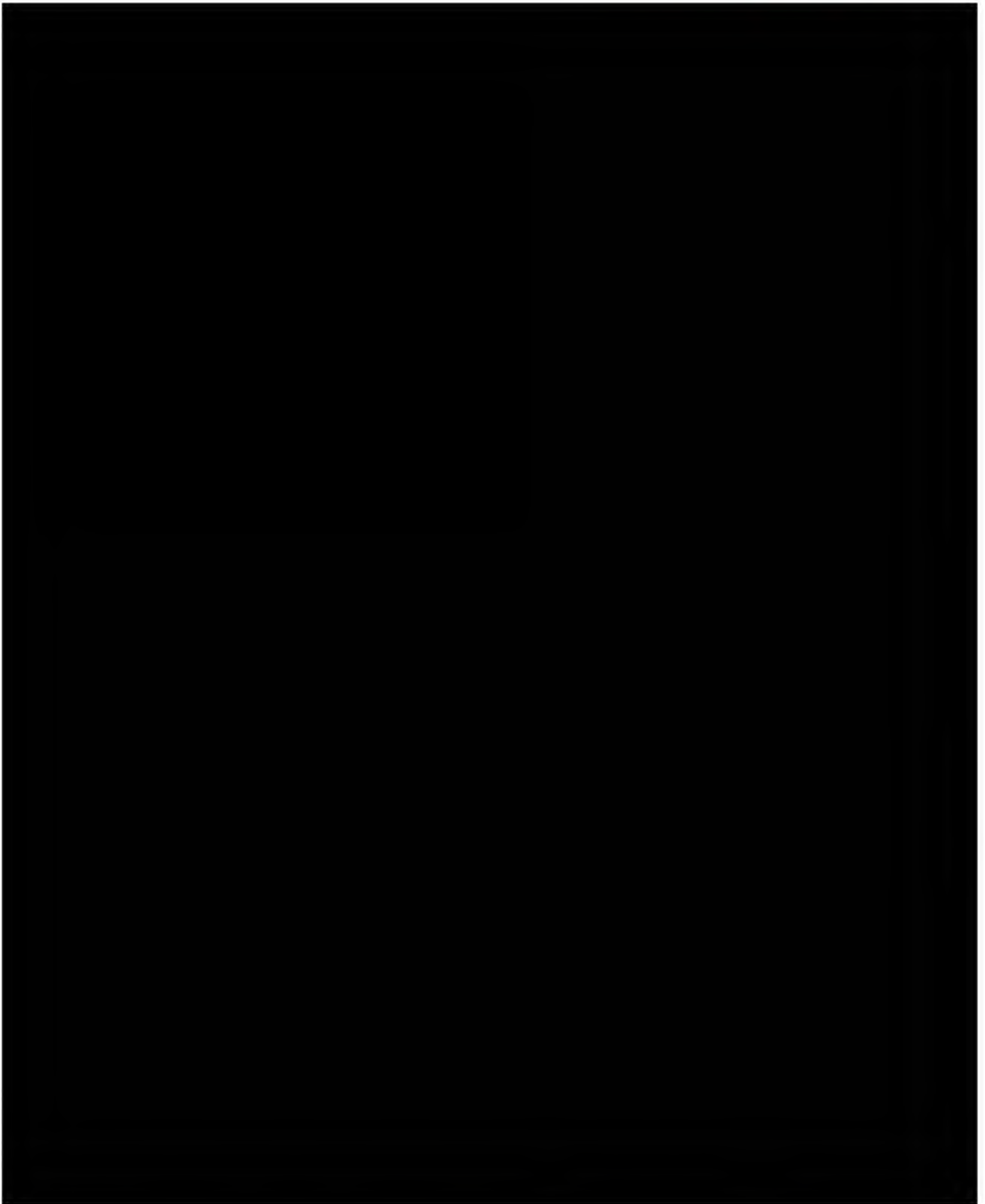
As a Connecticut-based and operated company, Gateway Terminal has long believed in hiring from and giving back to our local community. Our entire management and labor force, apart from a few members of our tugboat crews, are all residents of the State of Connecticut. We look first to hire from within our current New Haven community and provide our residents with high paying, full-time employment. Many of these jobs average over 50 hours per week, 52 weeks per year. We can proudly say that we have never laid off a single worker during our 33-year history.

Our New Haven operation provides hundreds of indirect jobs for Connecticut state workers. While these indirect jobs are too numerous to quantify, they include activities directly related to our handled cargoes including truckers, railroad workers, mechanics, vessel agents, security personnel, surveyors, customs brokers, insurance and financial agents. These jobs also include our hundreds of suppliers such as welders, electricians, parts suppliers, painters, cleaners, compliance consultants and office supply vendors.

Once Gateway Terminal is awarded the State Pier, we intend to approach our hiring in the same fashion as we have in New Haven. We will first look to the local New London and greater southeastern Connecticut to find the most qualified personnel. In the "Conventional Cargo" business plan scenario, we would estimate a starting workforce of approximately 30 direct employees. We would expect this number to significantly increase during the term of the contract as we grow the business. Based on our business plan, we expect to hire an additional 48 employees by 2030, resulting in 78 total direct employees at the facility.

In addition, we will continue to support the local Connecticut community by using as many Connecticut based outside vendors as possible. These indirect jobs will likely number in the hundreds, all of whom are vital to support and maintain Gateway's exceptional level of service.





US



## 4.12. Fabrication & Installation

Fabrication of equipment and pieces necessary to handle specific cargoes will be both outsourced and handled within Gateway Terminal. Hoppers will be required for bulk salt, pans will be required for scrap and cargo specific lifting frames and spreaders will be required for certain breakbulk products. In addition, bins and barriers will be fabricated and installed in storage areas to contain and separate bulk cargo. Our operations managers regularly use outside design and fabrication firms to develop cargo specific handling and storage items. We are committed to taking all steps necessary to ensure the safe and efficient handling and storage of all cargoes.

## 4.13. Commitment to CPA's broader strategy

Gateway Terminal's vision and mission are completely aligned with those of the CPA. Our business directly benefits from a thriving maritime economy and economic growth in Connecticut. For this reason, we believe that by joining forces with Gateway, the CPA would position itself to achieve the majority of its strategic goals outlined in the 2018 Connecticut Maritime Strategy. Gateway's commitment to helping the CPA realize its broader strategy is as follows:

### CPA Strategic Objective 1: Manage the State Pier to increase utilization and profitability

Our business plan for the State Pier is entirely founded on the increased utilization and cargo diversification of the facility, and this applies to both our conventional cargo proposal as well as the offshore wind opportunity. The commercial construct we propose fully incentivizes Gateway to maximize the profitability of the State Pier. In addition, Gateway's experience of improving the infrastructure of a facility will be a great benefit to the CPA and the State of Connecticut and we will work closely with the CPA to achieve the best results possible. We have directly invested, implemented and managed the construction of over \$200,000,000 of improvements at our facilities in New Haven since our inception and we would bring the same know-how and entrepreneurial spirit to New London.

### CPA Strategic Objective 2: Build more volume in our commercial ports

Our plan for growing and improving the State Pier's general cargo business will result in significant growth in New London's bulk and breakbulk volumes, improve the State Pier's regional market share, and increase Connecticut's overall cargo volumes. The inclusion of a container-by-barge service will open the door to new types of cargoes which may include perishables and other food products. Through innovation, market prowess and operational know-how, we have achieved significant growth in New Haven over the years and we will continue this trend in New London. In addition, and importantly, should all or a portion of the State Pier be needed to service the offshore wind industry, we will accommodate the displaced bulk and breakbulk volumes at our New Haven terminal. We will ensure that the handling and destination of this cargo remains within Connecticut and that the benefits of offshore wind are not made at the expense of conventional cargo.

### CPA Strategic Objective 3: Support dredging of Connecticut's ports and waterways

Gateway has direct working experience with large-scale dredging projects. For instance, our marine fleet has assisted the Army Corps with the dredging of the Kill Van Kull into Newark to



accommodate next generation container ships. Further, Gateway routinely supplies sand for beach replenishment projects and can play a key role in helping the CPA find beneficial uses for dredged material. Gateway's experience and working knowledge of the Connecticut market will provide practical and valuable insight to the CPA in supporting the CPA's dredging efforts.

**CPA Strategic Objective 5: Create intermodal options**

Our short line container-on-barge concept, facilitated by our fleet of tugs and barges, will quickly bring intermodal containerized cargo to Connecticut. In addition, for over 20 years we have operated our Chapel St. intermodal terminal, which handles bulk and breakbulk products by rail, truck and barge. Our experience in developing and operating this terminal would be a key asset to the CPA. In cooperation with the CPA, we will look to enhance intermodal shipping options at the State Pier as well as invest in other inland intermodal locations.

**CPA Strategic Objective 6: Leverage emerging opportunities**

Gateway Terminal is a company that is constantly evolving. We have grown over the last 33 years by continuing to innovate, listen and execute on soundly conceived ideas. Our collaboration with [REDACTED] is a great example of our willingness to seize on new opportunities in partnership with best-in-class companies. Our expansion into breakbulk products four years ago is also proof of Gateway's ability to be nimble in attracting new cargos to Connecticut.

**CPA Strategic Objective 8: Ensure future support of the CPA**

Gateway has a long-standing history of collaborating with local officials to enhance Connecticut's maritime industry. We are a strong supporter of the New Haven Port Authority and the Connecticut Maritime Coalition. We have also been constant advocates of port-related projects that will promote economic development, including the New Haven channel deepening project and the re-activation of the State's Foreign Trade Zones. We have a vested interest in the health of Connecticut's maritime economy and look forward to partnering with the CPA. We firmly believe that combining Gateway's New Haven Terminals with the State Pier will result in significant growth opportunities for the Connecticut maritime industry, the State of Connecticut and the cities of both New London and New Haven. We believe partnering with Gateway will optimize productivity and growth at the State Pier and will ensure that the CPA is able to realize its strategic objectives.

Firm's authorized name and signatory: \_\_\_\_\_

*Matthew Satriale*

Company's Seal

## 5. FORM TECH-4: CURRICULUM VITAE (CV) FOR PROPOSED KEY PERSONNEL

### 5.1 Terminal Manager

1. Director of Operations
2. Gateway Terminal
3. Robert Ober
4. Education
  - Hesser College, Manchester NH
  - AS; 1983
5. Membership Professional Organizations
6. Other Training
  - Safe workplace practices
  - Accident investigation/reporting
  - Forklift safety
  - Rigging
  - Crane Safety
  - Licensed Crane Operator in the State of CT
  - ABS certified welder
7. Countries of Work Experience
  - USA
8. Languages
  - English
9. Employment Record
 

2006 - Present

  - Gateway Terminal
  - Operations Manager
  - Port of New Haven, CT

1996 - 2006

  - Gateway Terminal
  - Operations Supervisor
  - Port of New Haven, CT

1992 - 1996

- Gateway Terminal
- Foreman/Crane Operator
- Port of New Haven, CT

1989 - 1992

- Gateway Terminal
- Pipe welder/fitter/fabricator/crane operator
- Port of New Haven, CT

1983 - 1989

- Phoenix Welding
- Welder/pipe fitter/foreman
- Portland, ME

10. Detailed Tasks Assigned

Manage daily operations at the State Pier including but not limited to below


- Scheduling of ships for discharging/loading.
- Stevedoring operations
- Warehousing
- Terminal maintenance
- Mechanics
- Equipment maintenance
- Equipment purchasing
- Ensure implementation of all OSHA guidelines.
- Negotiate contracts.
- Organize and oversee all construction projects as they pertain to the facility.

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned.

Have served as Operations Manager for Gateway Terminal in the Port of New Haven, CT for over 12 years, overseeing all aspects of Bulk and Breakbulk cargos as well as the Oil Terminal, Marine and Trucking Department.

## 12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.



Date:

23/08/18

[signature of staff member or authorized rep of the staff]

Day/Month/Year



## 5.2

- 1.



- North Branford, CT

10. Detailed Tasks Assigned


- Manage daily operations at the State Pier including but not limited to below
  - o Scheduling of ships for discharging/loading.
  - o Stevedoring operations
  - o Warehousing
  - o Terminal maintenance
  - o Mechanics
  - o Equipment maintenance
  - o Equipment purchasing
  - o Ensure implementation of all OSHA guidelines.
  - o Negotiate contracts.
  - o Organize and oversee all construction projects as they pertain to the facility.

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned.

Have served as Operations Manager for Gateway Terminal in the Port of New Haven, CT for 7 years, overseeing all aspects of Bulk and Breakbulk cargos as well as the Oil Terminal, Marine and Trucking Department.

12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

 Date: 23/02/18  
 [signature of staff member or authorized rep of the staff] Day/Month/Year

### 5.3 Business Development Manager/FSO

1. Business Development Manager
2. Gateway Terminal
3. Edward Evans
4. Education
  - Union County Community College
5. Membership Professional Organizations
  - American Institute for International Steel (AIIS)
  - North Atlantic Ports Association (NAPA)
6. Other Training
  - Safe workplace practices
  - Accident investigation/reporting
  - 24-hour HAZWOPER
  - FSO
7. Countries of Work Experience
  - USA
8. Languages
  - English
9. Employment Record
  - 1998-Present
    - Gateway Terminal, Port of New Haven, CT
    - Scale operator
    - Oil Terminal Operator
    - Coordinate and schedule salt trucks for delivery to DOT, municipalities and private contractors.
    - Sales: sand, salt, aggregates etc.
    - Tug Dispatch
    - Inventory Control
    - Develop and review rate indications for all new business
    - Marketing and Business Development
    - FSO
  - 1984 - 1999
    - Atlantic Petroleum Services, Staten Island, NY
    - Petroleum Inspector
    - Dispatcher
    - Business Development, Sales and Customer service
    - General Manager

10. Detailed Tasks Assigned

- Manage business development and marketing of State Pier facility and Gateway Terminal operations at the State Pier.
- Maintain and expand current business moving through the State Pier.
- Develop new business through the State Pier, including cargos moving across the dock or otherwise.
- Expand relationship and business with local rail provider.
- Manage rate quotations for all new business.
- Review all contracts and agreements.
- Promote State Pier and Gateway Terminal's operations at the State Pier at industry events, conferences and conventions.
- Manage customer service for all State Pier users

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

Have worked for Gateway Terminal in the Port of New Haven for over 19 years successfully meeting or exceeding tasks outline above.

12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.



Date:

23/05/18

[signature of staff member or authorized rep of the staff]

Day/Month/Year

#### 5.4 HSSE and ICT Director

1. Safety Director
2. Gateway Terminal
3. John Weber
4. Education
  - Nasson College
  - Porter & Chester Institute
5. Membership Professional Organizations
6. Other Training
  - Safe workplace practices
  - Accident investigation/reporting
  - Forklift safety
  - FSO
  - CPR
7. Countries of Work Experience
  - USA
8. Languages
  - English
9. Employment Record
 

2010 - Present

  - Gateway Terminal
  - Safety Director & Distribution Manager
  - Port of New Haven, CT
  - Employment record cont.

2007 - 2010

  - Cubic Tech Corporation

1997 - 2007

  - Gateway Terminal
  - Distribution Coordinator
  - Equipment Operator
  - Safety Coordinator



10. Detailed Tasks Assigned

Manage daily operations at the State Pier including but not limited to below

Coordinate safety meetings and material

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

Have served as Safety Coordinator for Gateway Terminal in the Port of New Haven, CT for the last 8 years successfully developing a safety management program that including safety training of all employees.

12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.



Date: 24-03-18

[signature of staff member or authorized rep of the staff]

Day/Month/Year

## 5.5 Sales and Marketing Manager

1. Sales Manager
2. Gateway Terminal
3. Stephen Davis
4. Education
  - University of Dayton; Dayton, OH BA; 1989
5. Membership Professional Organizations
  - American Institute for International Steel (AISI)
  - North Atlantic Ports Association (NAPA)
6. Other Training
  - Safe workplace practices
  - Accident investigation/reporting
  - Forklift safety
  - Rigging
7. Countries of Work Experience
  - USA
8. Languages
  - English
9. Employment Record
 

2011-Present

  - Gateway Terminal
  - Sales Manager
  - Port of New Haven, CT

2004-2011

  - Logistec USA Inc.
  - Director of Operations; Connecticut
  - Ports of New Haven, New London, Bridgeport, CT

2000-2004

  - Logistec USA Inc.
  - Manager; Operations & Customer Service
  - Ports of New Haven, New London, Bridgeport, CT

1997-2000.

- Logistec USA Inc.
- Customer Service Manager
- Ports of New Haven, New London, Bridgeport, CT

1989-1997

- Trans Ocean Distribution
- Regional Technical Manager
- Edison, NJ

10. Detailed Tasks Assigned

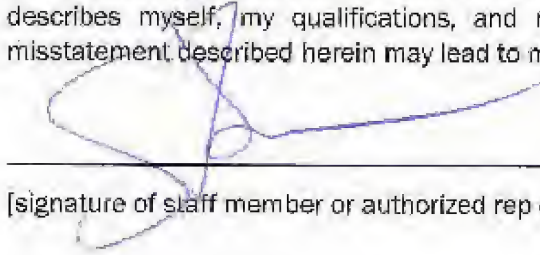
- Manage all business development and marketing of State Pier facility and Gateway Terminal operations at the State Pier.
- Maintain and expand current business moving through the State Pier.
- Develop new business through the State Pier, including cargos moving across the dock or otherwise.
- Expand relationship and business with local rail provider.
- Manage rate quotations for all new business.
- Promote State Pier and Gateway Terminal's operations at the State Pier at industries events, conferences and conventions.
- Manage customer service for all State Pier users

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

- Served as Operations Manager for all 3 Connecticut deep water ports, including the State Pier, for 10 yrs.
- Managed the arrival and set up of current steel service to the State Pier.
- Managed all lumber and other business moving through the State Pier from 2007-2011.
- Sales Manager of Gateway Terminal's breakbulk division since the opening of Harbor Terminal in 2012.
- Past member of Board of Directors of Connecticut Cruise Ship Task Force.

## 12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

  
\_\_\_\_\_  
[signature of staff member or authorized rep of the staff]Date: 23/8/18  
Day/Month/Year



## 5.6 Finance/Administration Manager

1. Chief Financial Officer
2. Gateway Terminal
3. Joseph J. Tiroletto
4. Education
  - College of the Holy Cross BS/BA: Economics/Accounting
5. **Membership Professional Organizations**
  - American Institute of CPA's
  - Connecticut Society of CPA's
  - CPA in good standing since 1982
  - Longevity award Connecticut society of CPA's 25 years
6. **Other Training**
  - CPA License State of Connecticut
  - Annual professional continuing education
7. **Countries of Work Experience**
  - USA
8. **Languages**
  - English
9. **Employment Record**
  - 2003 - Present Gateway Terminal, New Haven, CT - CFO
  - 2003 - 2000 Harper Whitfield, CPA Firm Director
  - 1996 - 2000 Pricewaterhouse, Director
  - 1991 - 1996 Greenberg et al Vice President
  - 1987 - 1991 KPMG Senior Manager
  - 1984 - 1987 BrinTec Corp Asst. Corp Controller and Director of Audit
  - 1975 - 1984 Arthur Young Manager

## 10. Detailed Tasks Assigned

Manage and supervise all aspects of day to day accounting for the combined entity. Responsible for all internal and external financial reporting. Responsible for all tax technical activities; Review and approve all monthly and year end journal entries as well as maintain all banking and insurance relationship.

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned  
Have successfully worked as CFO for Gateway Terminal for the past 15 years.

12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

Joseph J. Turchetta CPA Date: 8/23/18  
[signature of staff member or authorized rep of the staff] Day/Month/Year

## 5.7 Marine Operations Manager

1. Operations Manager Marine Department
2. Gateway Terminal
3. Christopher P. Clark
4. Education
  - Maine Maritime, Castine, Maine
    - Completed three years of academic course work towards a bachelors degree. (Sacred Heart University, Fairfield, CT, West Virginia University, Morgantown, WV, Eastern Kentucky University, Richmond, KY)
5. Membership Professional Organizations
  - State of Connecticut Pilot Commission November 2017 - Current
  - Appointed by Speaker of the House Brendan Sharkey:
    - Appointed term expires June 2020
6. Other Training
  - 100-ton Master license with tow endorsement, near coastal, AB.
  - Merchant Mariners Credential
  - TWIC
  - Fire Fighter 1 certified.
  - F.E.M.A.. First Responder for Federal Employees
  - Introduction to Incident Command for Federal Employees
  - AFSO
  - CPR
7. Countries of Work Experience
  - USA
8. Languages
  - English
9. Employment Record
  - 2006 - Present Gateway Terminal, New Haven, CT
    - Marine Operations Manager
  - 2002 - 2006 United States Coast Guard

MS

10. Detailed Tasks Assigned

Responsible for managing and executing full services of tug and barge loading, unloading, scheduling, crew assignment, hiring and firing, contract negotiations and management, customer service and compliance with regulatory requirements. Responsibilities also include daily operations, scheduling and assignments and I am accountable to maintain and develop solid client relationships along with sales prospecting for new revenue streams. I am ultimately responsible for all maintenance, personnel and safety processes. Our fleet is composed of six tugs, four of which are load line, two are ABS A1 Maltese cross-classed and six dry bulk barges, five of which are full ABS A1 Maltese cross-classed. Our crews are composed of over 70 personnel, all of which are TWIC and USCG compliant.

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

Have served as Marine Operations Manager for Gateway Terminal in the Port of New Haven, CT for over 12 years, overseeing all aspects of Marine Operations business.

12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.



Date: 23 Aug 18

(signature of staff member or authorized rep of the staff)

Day/Month/Year



## 5.8 Trucking Manager

1. Manager Trucking Department.
2. Gateway Terminal
3. Frank Baldassare
4. Education
  - East Haven High School
5. Membership Professional Organizations
6. Other Training
  - CDL class A
    - HAZMAT endorsement
    - Tanker Endorsement
  - Drug & Alcohol training
  - DEEP Training
  - Underground storage tank certified
  - Safe workplace practices
  - Accident investigation and reporting
  - TWIC
7. Countries of Work Experience
  - US
8. Languages
  - English
9. Employment Record
 

2012 – Present: Gateway Terminal, New Haven, CT

  - Manager Trucking Department

1993 – 2012: Gateway Terminal, New Haven, CT

  - Driver, dump trailer, lowboy equipment transport, bulk tank
  - Heavy equipment operator
  - stevedore

1990 – 1993: Berkshire Petroleum

  - Driver, Gasoline tanker

1988 – 1990: Ansal Enterprises

  - Driver, Flatbeds, Dry vans



## 5.9 Marine Division Port Engineer

### 1. Port Engineer Marine Division

### 2. Gateway Terminal

### 3. Michael McDermott

### 4. Education

- Massachusetts Maritime Academy

BS; Marine Engineering

### 5. Membership Professional Organizations

- American Maritime Officers Labor Union 1984 - 2012
- U.S. Naval Reserve Officer 1997- 2007

### 6. Other Training

- Safe workplace practices
- Accident investigation/reporting
- Forklift safety
- Rigging
- Merchant Mariner Document/ Transportation Worker Identification Card (TWIC)
- Hazardous Waste Operations and Emergency Response Training
- International Standards of Training Certificate on Watch keeping for Seafarer's
- Fuel Oil Person in Charge Bunkering Operations
- Universal Refrigeration Technician
- MacGregor Hydraulic Cargo Crane Training
- TMS Boiler/Plant Automation and Combustion Control Systems
- Resolve Advanced Shipboard Firefighting Training
- MSC Small Arms Training and Chemical Biological Radiological Defense
- Medical Care Provider/ First Aid/ CPR
- Maritime Administration Professional Ship Award, Military Operation Enduring Freedom
- Merchant Marine Expeditionary Award
- Environmental Achievement Award, Chamber of Shipping of America (operating vessel without oil spill or environmental violation - 15 years)
- Jones F. Devlin Award, Chamber of Shipping of America (operating vessel without lost time accident - 7 years)

### 7. Countries of Work Experience



- 4. USA
- 5. Languages
  - English
- 9. Employment Record
  - 2017 - Present Gateway Terminal, New Haven, CT - Port Engineer
  - 2013 - 2017 Tote Services Inc., Jacksonville, FL - Port Engineer
  - 1996 - 2012 InterOcean American Shipping, Moorestown, NJ - Chief Engineer
  - 1992 - 1995 InterOcean Ugland Corporation, Moorestown, NJ - First Assistant Engineer
  - 1990 - 1992 Vulcan Carriers Ltd., New York, NY - Second Assistant Engineer
  - 1988 - 1990 Sealift Bulkcarriers Inc., Oyster Bay, NY - First Assistant Engineer
  - 1984 - 1988 American Hawaii Cruises, Honolulu, HI - 1st, 2nd & 3rd Assistant Engineer

10. Detailed Tasks Assigned

Manage and supervise the technical and operational activities of a fleet of tug boats and barges in port, at sea, and during shipyard repair; Prepare repair specifications and supervise contractor repairs; Schedule and prepare vessels for regulatory inspections and compliance surveys; Maintain vessel records, certificates and documentation; Perform machinery inspections and performance evaluations during acceptance testing and sea trials; Review equipment condition monitoring reports and discuss results and corrective actions with engineers; Communicate with boat personnel regarding operational issues, safety items and vessel requirements; Approve job work orders and material requisitions; Participate in vessel safety management system; Review vendor proposals for equipment upgrades and system modifications.

11. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

Proven track record working in the Marine industry for the past 34 years. The last 5 years have successfully performed all tasks related to my position as Port Engineer.

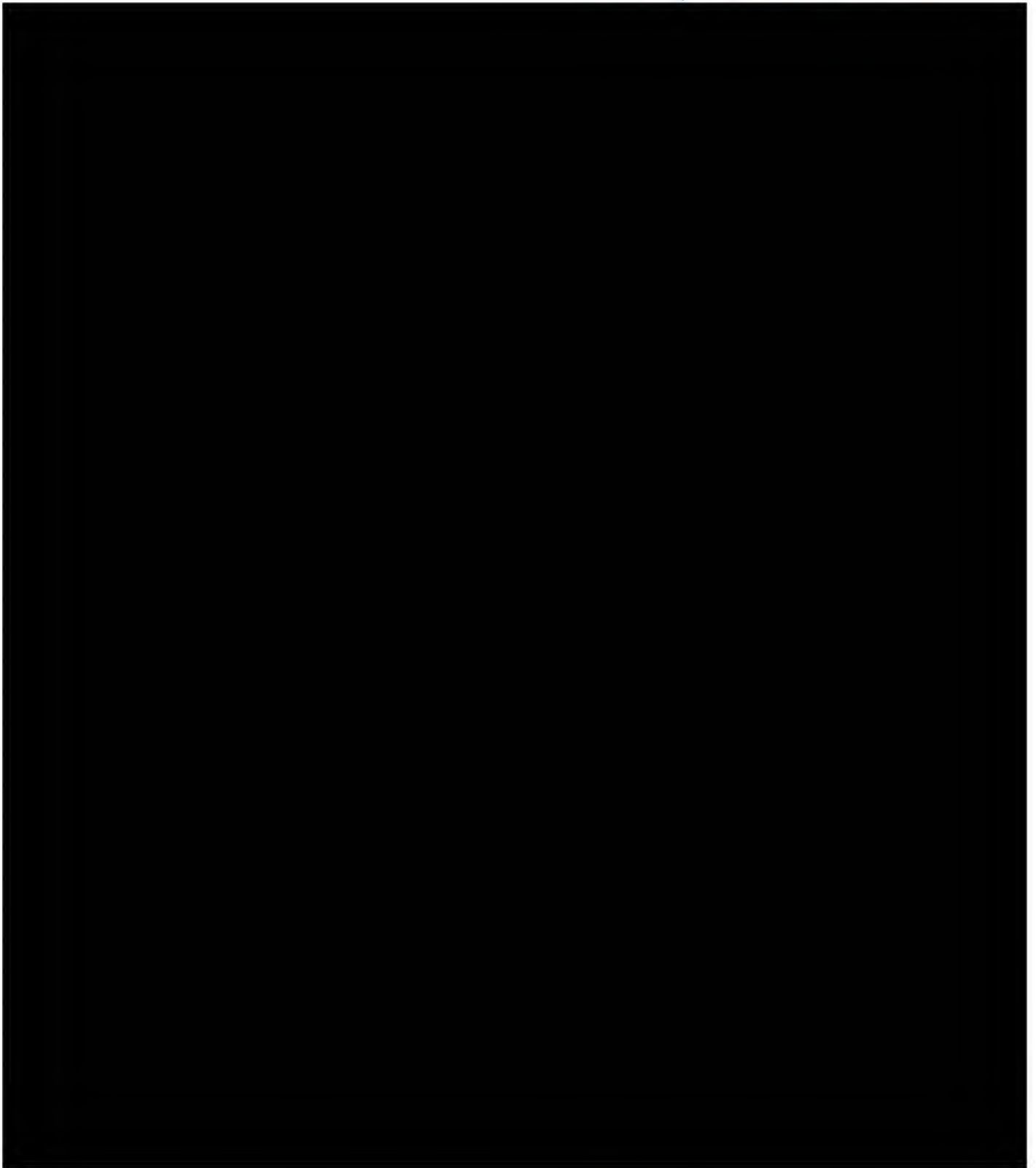
12. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

- Michael J. DeMott Date: 23/08/18

(signature of staff member or authorized rep of the staff) Day/Month/Year





## APPENDIX B: QUALIFICATION INFORMATION STATEMENT



Connecticut Port Authority  
455 Boston Post Rd  
Suite 204  
Old Saybrook, CT 06475

Dear Sirs:

We hereby confirm that Enstructure New Haven Holdings LLC dba Gateway Terminal is not associated, or has not been associated in the past, directly or indirectly, with a firm, any of its affiliates or sub-consultants, including individuals, which have been engaged by the Connecticut Port Authority to develop or prepare an Operating Agreement for the New London State Pier Project.

Yours Sincerely,

Authorized Signature: \_\_\_\_\_

Name and Title of Signatory: Matthew Satchell, Authorized Representative

Name of Firm: Enstructure New Haven Holdings LLC, dba Gateway Terminal

Address: 400 Waterfront St New Haven, CT 06512

APPENDIX C: CERTIFICATE OF FORMATION OF RESPONDENT

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "ENSTRUCTURE NEW HAVEN HOLDINGS LLC", FILED IN THIS OFFICE ON THE SIXTEENTH DAY OF JULY, A.D. 2018, AT 5:30 O'CLOCK P.M.



6961641 4100  
SR# 20185686880

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State

Authentication: 203071978  
Date: 07-16-18

State of Delaware  
Secretary of State  
Division of Corporations  
Delaware 6050 Piney 16/2018  
FILED 05/01 PM 03:16:29  
SR 1018663460 - File Number 8877661

STATE OF DELAWARE  
CERTIFICATE OF FORMATION  
OF

ENSTRUCTURE NEW HAVEN HOLDINGS LLC

The undersigned, an authorized person, for the purpose of forming a limited liability company, under the provisions and subject to the requirements of the State of Delaware, particularly Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act," hereby certifies that:

**FIRST:** The name of the limited liability company is:

ENSTRUCTURE NEW HAVEN HOLDINGS LLC

**SECOND:** The address of the registered office of the limited liability company in the State of Delaware and the name of its registered agent at such address is:

The Company Corporation  
251 Little Falls Drive  
Wilmington, New Castle County, DE 19808

IN WITNESS WHEREOF, the undersigned authorized person of the Company has executed this Certificate of Formation of ENSTRUCTURE NEW HAVEN HOLDINGS LLC on the 16th day of July, 2018.

By: /s/ Zachary A. Jacobson  
Name: Zachary A. Jacobson  
Title: Authorized Person

001/98539946.2



# APPENDIX D: CHECK LIST FOR TECHNICAL PROPOSAL

## Envelope A Check List

	Requirements			
	Signed	Company Seal	Notarized	Included
Qualification Information Statement	X			X
Company background, profile and statutory registration certificates (incorporation certificates)				X
<b>CPA Procurement and Contracting Forms:</b>				
SEEC Form 10	X			X
CPA Affidavit of Third Party Fees	X		X	X
CPA Affidavit Concerning Non Discrimination	X		X	X
State of CT Affidavit Concerning Non Discrimination - Form C	X		X	X
CPA Affidavit Concerning Consulting Fees	X		X	X
State of CT Consulting Agreement Affidavit	X		X	X
CPA Contractors Certification Concerning Gifts	X		X	X
State of CT Gift and Campaign Contribution Certification	X		X	X
Bidder Contract Compliance Monitoring Report	X			X
CPA Iran Certification Form	X		X	X
State of CT Iran Certification Form	X		X	X
Affirmation of Receipt of State Ethics law summary	X			X
Checklist Signed and Stamped (this document)	X	X		X
<b>Form TECH-1: Technical Proposal Submission Form</b>				
TECH-1: Technical Proposal Submission Form	X	X		X
Power of Attorney	X		X	X
<b>Form TECH-2: Respondent's Organization, Experience and Financial Capacity</b>				
TECH-2-A: Respondent's Organization				X
TECH-2-B: Respondent's Experience	X	X		X
TECH-2-B: Performance Indicators				X
TECH-2-C: Respondent's Financial Capacity	X	X		X
<b>Form TECH-3: Business Plan</b>				
TECH-3: Business Plan	X	X		X
<b>Form TECH-4: Curriculum Vitae (CV) for Proposed Key Personnel</b>				
Terminal Manager CV	X			X
Operations Manager CV	X			X
Business Development Manager/FSQ CV	X			X
HSE Director CV	X			X
Sales Manager CV	X			X
Finance/Administration Manager CV	X			X
Marine Operations Manager CV	X			X
Trucking Manager CV	X			X
Marine Division Port Engineer CV	X			X
<b>Other</b>				
Initial all pages of the proposal	X			X
Mark "ORIGINAL" or "COPY"				X
Soft copy of proposal on flash disk				X

Signed:



Date:

8/24/18

Company Seal:




## APPENDIX E: CPA PROCUREMENT AND CONTRACTING FORMS

(SEEC Form 10 attached)



**SEEC FORM 10**

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
Rev. 7/11  
Page 1 of 3



Form 10

## Notice to Executive Branch State Contractors and Prospective State Contractors of Campaign Contribution and Solicitation Limitations

### *Acknowledgment of Receipt of Explanation of Prohibitions for Incorporation in Contracting and Bidding Documents*

This notice is provided under the authority of Connecticut General Statutes §9-612g(2), as amended by P.A. 10-1, and is for the purpose of informing state contractors and prospective state contractors of the following law (italicized words are defined on the reverse side of this page).

### CAMPAIGN CONTRIBUTION AND SOLICITATION LIMITATIONS

No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder of a valid prequalification certificate, shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee (which includes town committees).

In addition, no holder or principal of a holder of a valid prequalification certificate, shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State Senator or State representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

On and after January 1, 2011, no state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder of a valid prequalification certificate, shall knowingly *authorize* contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principal of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

### DUTY TO INFORM

State contractors and prospective state contractors are required to inform their principals of the above prohibitions, as applicable, and the possible penalties and other consequences of any violation thereof.

### PENALTIES FOR VIOLATIONS

Contributions or solicitations of contributions made in violation of the above prohibitions may result in the following civil and criminal penalties:

**Civil penalties.** Up to \$2,000 or twice the amount of the prohibited contribution, whichever is greater, against a principal or a contractor. Any state contractor or prospective state contractor which fails to make reasonable efforts to comply with the provisions requiring notice to its principals of these prohibitions and the possible consequences of their violations may also be subject to civil penalties of up to \$2,000 or twice the amount of the prohibited contributions made by these principals.

**Criminal penalties.** Any knowing and willful violation of the prohibitions is a Class D felony, which may subject the violator to imprisonment of not more than 3 years, or not more than \$5,000 in fines, or both.

### CONTRACT CONSEQUENCES

In the case of a state contractor, contributions made in violation of the above prohibitions may result in the contract being voided.

In the case of a prospective state contractor, contributions made in violation of the above prohibitions shall result in the contract described in the state contract solicitation not being awarded to the prospective state contractor, unless the State Elections Enforcement Commission determines that mitigating circumstances exist in connection with such violation.

The State shall not award any other state contract to anyone found in violation of the above prohibitions for a period of one year after the election for which such contribution is made or solicited, unless the State Elections Enforcement Commission determines that mitigating circumstances exist concerning such violation.



# SEEC FORM 10

CONNECTICUT STATE ELECTRONIC ENFORCEMENT COMMISSION

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Form 10



## DEFINITIONS

"State contractor" means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. "State contractor" does not include a municipality or any other political subdivision of the state, including an agency or commission wholly created by the municipality or political subdivision exclusively assigned themselves to further any purpose authorized by statute or charter, or an employee of the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Prospective state contractor" means a person, business entity or nonprofit organization that (i) submitted response to a state contract solicitation by the state, a state agency or a quasi-public agency, as a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid nonprofit license certificate issued by the Commissioner of Administrative Services under current law. "Prospective state contractor" does not include a municipality or any other political subdivision of the state, including any agency or commission wholly created by the municipality or political subdivision exclusively assigned themselves to further any purpose authorized by statute or charter, or an employee of the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Personnel of a state contractor or prospective state contractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor which is a business entity, except for an individual who is a member of the board of directors of nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or (iv) a state contractor or prospective state contractor has as such officer, then the officer who daily possesses considerable powers and duties, (v) any officer or an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contractor, (vi) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vii) a political subdivision established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the state contractor or prospective state contractor.

"State contract" means an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise having a value of fifty thousand dollars or more, or a combination of one or more of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendering of services, (ii) the rendering of any goods, material, supplies, equipment or any (any of any kind), (iii) the construction, alteration or repair of any public building or public works, (iv) the acquisition, sale or lease of any land or building, (v) a financing arrangement, or (vi) a grant, loan or loan guarantee. "State contract" does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively funded, or financed in part, by the federal government for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense.

"State contract solicitation" means a request by a state agency or quasi-public agency for a bid or firm proposal, including, but not limited to, an invitation to bid, request for proposals, request for information or request for quote, which is a bid, request for information or request for quote, through a competitive procurement process or other process authorized by law to obtain competitive proposals.

"Managerial or discretionary responsibilities with respect to a state contractor" means having direct, substantial and substantive responsibilities with respect to the operation of the state contractor and not performing clerical or ministerial responsibilities.

"Dependent child" means a child residing in an individual's household who may legally be claimed as a dependent on the federal income tax of such individual.

"Bidder" means (A) requesting that a contribution be made, (B) participating in any fundraising activities for a political committee, including campaign, political committee or party committee, including, but not limited to, soliciting requests for potential contributors, receiving contributions for transmission to any such committee or funding committee, (C) serving as campaigner, treasurer or deputy treasurer of any such committee, or (D) establishing a political committee for the sole purpose of soliciting or receiving contributions for any committee. "Bidder" does not include: (i) making a contribution that is otherwise permitted by Chapter 123 of the Connecticut General Statutes; (ii) informing any person of a possible action by a candidate for public office or a public official, (iii) soliciting the person of any person of, or making information for, any candidate for public office, or (iv) serving as a member of any party committee or as an officer of such committee that is not otherwise prohibited in this section.

"Subcontractor" means any person, business entity or nonprofit organization that enters into a contract with or all of the sub-agencies of a state contractor's state contract. Such person, business entity or nonprofit organization shall be deemed to be a subcontractor until December thirty-first of the year in which the subcontract terminates. "Subcontractor" does not include (i) a municipality or any other political subdivision of the state, including any agency or commission wholly created by the municipality or political subdivision exclusively assigned themselves to further any purpose authorized by statute or charter, or (ii) an employee of the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Personnel of a subcontractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a subcontractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a subcontractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a subcontractor, which is not a business entity, or (iv) a subcontractor has as such officer, then the officer who daily possesses considerable powers and duties, (v) any officer or an employee of any subcontractor who has managerial or discretionary responsibilities with respect to a subcontractor, (vi) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vii) a political subdivision established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the subcontractor.

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**SEEC FORM 10**

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 1/11

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Form 10

**ACKNOWLEDGEMENT OF RECEIPT**  
SIGNATURE08/24/2018  
DATE (mm/dd/yyyy)**NAME OF SIGNER**

First Name	MI	Last Name	Suffix
Matthew		Satnick	

**TITLE**

Authorized Representative

**COMPANY NAME**

Enstructure New Haven Holdings LLC dba Gateway Terminal

Additional information may be found on the website of the State Elections Enforcement Commission,  
[www.ct.gov/seec](http://www.ct.gov/seec)

Click on the link to "Lobbyist/Contractor Limitations"

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E-5

**AFFIDAVIT OF THIRD PARTY FEES**

(See form attached)

MS





## AFFIDAVIT OF THIRD PARTY FEES

This Affidavit must be completed and properly executed by an individual or business entity submitting a bid/proposal/statement of qualifications to the Connecticut Port Authority (such individual or business entity hereinafter in this form referred to as the "Contractor"). The purpose of this Affidavit is to ascertain if the Contractor has made or promised any payment to a third party attributable to this Agreement. If no such payment has been made or promised, Contractor should write "None" in the first box in the table and execute this Affidavit. For purposes of the Affidavit, Contractor's subcontractors, if any, are not considered third parties.

I, Matthew Satnick, a duly authorized officer and/or representative  
of Enstructure New Haven Holdings LLC dba Gateway Terminal (firm name)  
(the "Contractor"), being duly sworn, hereby depose and say that:

1. I am over eighteen (18) years of age and believe in the obligations of an oath;
2. The Contractor seeks to enter into the "SERVICE AGREEMENT" (the "Agreement") with the Connecticut Port Authority; and
3. All third party fees and agreements to pay third party fees attributable to the Agreement are as follows:

Name Of Payee	Dollar Amount Paid Or Value Of Non-Cash Compensation AND Date	Fee Arrangement	Specific Services Performed Or To Be Performed By Payee <sup>1</sup>
None			

(Attach additional copies of this page as necessary.)

**NOTE:** For each third party fee arrangement described above (if any), complete the attached Form.

4. The information set forth herein is true, complete and accurate to the best of my knowledge and belief under penalty of perjury.

Signed: 

Name (Print): Matthew Satnick

Title: Authorized Representative

Sworn to before me this 24<sup>th</sup> day of August, 2018

Notary Public/Commissioner of the Superior Court

Commission Expiration Date

  
Please attach documents evidencing the terms of the fee arrangement and services

Mary W. Cacace  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires October 31, 2022





## ADDENDUM TO AFFIDAVIT OF THIRD PARTY FEES

For each third party fee arrangement disclosed in the attached Affidavit, please explain whether and how each such payment falls within one or more of the following categories of compensation:

Compensation earned for the rendering of planning services when engaged in the ongoing business of providing planning services;

Compensation earned for the rendering of investment services when provided by an investment professional while engaged in the ongoing business of providing investment services;

Compensation for placement agent, due diligence or comparable tangible marketing services when paid to a person who is an investment professional (i) engaged in the ongoing business of representing providers of investment services, or (ii) in connection with the issuance of bonds, notes or other evidence of indebtedness by a public agency;

Compensation earned by a licensed real estate broker or real estate salesperson while engaging in the real estate business on an ongoing basis; or

Payments for client solicitation activities meeting the requirements of Rule 206(4)-3, under the Investment Advisers Act of 1940.

*Attach additional pages as necessary.*

**AFFIDAVIT CONCERNING NONDISCRIMINATION**

(OPM Forms C, D, & E)



## AFFIDAVIT CONCERNING NONDISCRIMINATION

This Affidavit must be completed and properly executed under penalty of false statement by a chief executive officer, president, chairperson, member or other corporate officer duly authorized to adopt company, corporate or partnership policy of the business entity submitting a bid/proposal/statement of qualifications to the Connecticut Port Authority that certifies such business entity complies with the nondiscrimination agreement and warranties contained in Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended, regarding nondiscrimination against persons on account of their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability, physical disability or sexual orientation.

I, the undersigned, am over the age of eighteen and understand and appreciate the obligation of an oath.  
I am Authorized Representative (title) of  
Enstructure New Haven Holdings LLC dba Gateway Terminal (firm name), an entity duly  
formed and existing under the laws of Delaware (name of state or commonwealth)  
("Contractor").

I certify that I am authorized to execute and deliver this affidavit on behalf of Contractor, as follows:

1. Contractor seeks to enter into the "SERVICE AGREEMENT" (the "Agreement") with the Connecticut Port Authority; and
2. Contractor has in place a company or corporate policy that complies with the nondiscrimination agreements and warranties required under Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended, and the said company or corporate policy is in effect as of this date hereof.

By (Signature): [Signature]

Name (Print): Matthew Satnick

Title: Authorized Representative

Sworn to before me this 24<sup>th</sup> day of August 20 18

[Signature]  
Notary Public/Commissioner of the Superior Court

Commission Expires 09/01/2022  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires October 31, 2022

Sections 4a-60(a)(1) and 4a-60a(a)(1) of the Connecticut General Statutes follow:

**Sec. 4a-60. (Formerly Sec. 4-114a). Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions other than municipalities.**

Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions:

The Contractor agrees and warrants that in the performance of the contract such Contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such Contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the Contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such Contractor that such disability prevents performance of the work involved;

**Sec. 4a-60a. Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation.**

(a) Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions:

(1) The Contractor agrees and warrants that in the performance of the contract such Contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut; and that employees are treated when employed without regard to their sexual orientation.

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The information in the form of an affidavit is a sworn statement of the informant that he has provided you with a number of reliable informants who are employed in a city, state or federal government and contain the informant's name and the nature of the informant's involvement in the matter. The informant is also required to provide a list of the names of the informants and the nature of the informant's involvement in the matter.

Commission Expires October 31, 2022  
**Mary D. Lacasse**  
**NOTARY PUBLIC**  
**State of Connecticut**  
 My Commission Expires October 31, 2022



**STATE OF CONNECTICUT**  
**NONDISCRIMINATION CERTIFICATION — New Resolution**  
**By Entity**  
**For Contracts Valued at \$50,000 or More**

*Discrimination in the form of a corporation, partnership, or other entity policy adopted by resolution of the board of directors, shareholders, members or other governing body of a contractor that certifies the contractor complies with the nondiscrimination agreements and warranties under Connecticut General Statutes §§ 4a-60 and 4a-60a, as amended.*

**INSTRUCTIONS:**

For use by an entity (corporation, limited liability company, or partnership) when entering into any contract type with the State of Connecticut valued at \$50,000 or more for any year of the contract. Complete all sections of the form. Submit to the awarding State agency prior to contract execution.

**CERTIFICATION OF RESOLUTION:**

I, \_\_\_\_\_, of \_\_\_\_\_,  
Authorized Signatory Title Name of Entity

an entity duly formed and existing under the laws of \_\_\_\_\_,  
Name of State or Commonwealth

certify that the following is a true and correct copy of a resolution adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the governing body of \_\_\_\_\_,  
Name of Entity

In accordance with all of its documents of governance and management and the laws of \_\_\_\_\_, and further certify that such resolution has not been modified, Name of State or Commonwealth  
or revoked, and is in full force and effect.

**RESOLVED:** That the policies of \_\_\_\_\_ comply with  
Name of Entity  
nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60 and 4a-60a, as amended.

The undersigned has executed this certificate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized Signatory Date

\_\_\_\_\_  
Printed Name





**STATE OF CONNECTICUT**  
**NONDISCRIMINATION CERTIFICATION — Prior Resolution**  
**By Entity**  
**For Contracts Valued at \$50,000 or More**

*Discrimination is the term of a corporate, company, or partnership (and is defined by a prior resolution of the board or directors, shareholders, managers, members or other governing body) of a contractor that before the contractor complies with the nondiscrimination agreements and warranties under Connecticut General Statutes §§ 4a-60 and 4a-60a, as amended.*

**INSTRUCTIONS:**

For use by an entity (corporation, limited liability company, or partnership) when entering into any contract type with the State of Connecticut valued at \$50,000 or more for any year of the contract. Complete all sections of the form. Attach copy of previously adopted resolution (*State of CT, Nondiscrimination Certification, Form D: New Resolution*). Submit all documentation to the awarding State agency prior to contract execution.

**CERTIFICATION OF PRIOR RESOLUTION:**

I, the undersigned, am a duly authorized corporate officer or member of \_\_\_\_\_  
Name of Entity

I have reviewed the attached prior resolution. I certify that:

- (1) the attached prior resolution complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60 and 4a-60a, as amended; and
- (2) the prior resolution remains in full force and effect on the date this documentation is submitted to the awarding State agency.

Authorized Signatory _____	Title _____
Printed Name _____	Date _____

**RESERVED FOR STATE USE**

I, the undersigned head of the awarding State agency, or designee, certify that the attached prior resolution complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60 and 4a-60a, as amended.

Signature of Agency Head (or designee) _____	Date _____
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\_\_\_\_\_  
Awarding State Agency

**AFFIDAVIT CONCERNING CONSULTING FEES**

(OPM Ethics Form 5)

MS





## AFFIDAVIT CONCERNING CONSULTING FEES

Pursuant to Section 4a-81 of the Connecticut General Statutes, this Affidavit must be completed and properly executed under penalty of false statement by a chief official of the successful bidder/proposer/statement of qualifications submitter for an Agreement (the "Contractor"). Such chief official of the Contractor must be the person who is properly authorized to execute the Agreement on behalf of the Contractor. This Affidavit must be properly executed at the same time that the Contractor executes the Agreement. If the Contractor fails to execute this Affidavit, the Contractor shall be disqualified for the Agreement.

I, the undersigned, am over the age of eighteen and understand and appreciate the obligation of an oath.  
I am Authorized Representative (Title) of  
Enstructure New Haven Holdings LLC dba Gateway Terminal (Firm Name), an entity duly  
formed and existing under the laws of Delaware (State of Sole or Commonwealth  
("Contractor").

I certify that I am authorized to execute and deliver this affidavit on behalf of Contractor, as follows:

1. Contractor seeks to enter into the SERVICE AGREEMENT (the "Agreement") with the Connecticut Port Authority ("CPA").
2. Except as disclosed in Table 1 below and except for a consulting agreement that is with a contractor who is registered under the provisions of Chapter 10 of the Connecticut General Statutes<sup>1</sup> as of the date this Affidavit is submitted, Contractor has not entered into any consulting agreement<sup>2</sup> in connection with the Agreement whereby any duties of the contractor pursuant to said consulting agreement<sup>2</sup> require that contractor pursue communications concerning business of CPA, whether or not direct contact with CPA, a CPA official, a CPA employee, a state agency, a state or public official, or a state employee was expected or made.
3. Contractor shall amend this Affidavit whenever Contractor enters into any new consulting agreement<sup>2</sup> during the term of the Agreement; and
4. The statements set forth herein are true, to the best of my knowledge and belief, subject to the penalties of false statement.

<sup>1</sup> Pursuant to Section 1-94 of Chapter 10 the Connecticut General Statutes, a lobbyist as defined in the Chapter is required to register with the Office of State Ethics.

<sup>2</sup> Pursuant to Section 41-61 of the Connecticut General Statutes, for the purposes of this Affidavit, "consulting agreement" means "any written or oral agreement to retain the services, for a fee, of a consultant for the purposes of (A) providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the state, (B) contacting, whether in writing or orally, any executive, judicial, or administrative officer of the state, including any department, institution, bureau, board, commission, authority, official or employee for the purpose of solicitation, dispute resolution, introduction, requests for information, or (C) any other similar activity related to such contract. Consulting agreement does not include any agreements entered into with a consultant who is registered under the provisions of Chapter 10 as of the date such affidavit is submitted in accordance with the provisions of this section."

**TABLE 1: Disclosure of Consulting Agreements**

(If Contractor has not entered into any consulting agreements<sup>2</sup> in connection with the Agreement, Contractor should enter "None" in the space provided for the "Name of Contractor.")

Name of Contractor:	None	
Name of Contractor's Firm:		
Description of the Basic Terms of the Consulting Agreement:		
Brief Description of the Services Provided:		
Is the Contractor a Former State Employee or Public Official?	Yes	No
If the answer to the question above concerning whether or not the Contractor is a former state employee or public official is "Yes," the following information must be provided.		
Name of Former Agency:		
Date Employment Terminated:		

By (Signature):

Name (Print): Matthew Satnick

Title: Authorized Representative

Sworn to before me this


24

day of

August

20

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 Notary Public/Commissioner of the Superior Court

Commission Expiration Date  
 Mary W. Cacace  
 NOTARY PUBLIC  
 State of Connecticut  
 My Commission Expires October 31, 2022





# STATE OF CONNECTICUT CONSULTING AGREEMENT AFFIDAVIT

*(Affidavit concerning the award of a contract for the purchase of goods and services under a contract awarded by the State of Connecticut or a contract for the purchase of goods and services under a contract awarded by the State of Connecticut. See Connecticut General Statutes § 42-81(b) and 42-81(c). For more information, see the instructions on the back of this form.)*

## INSTRUCTIONS:

If the bidder or vendor has entered into a consulting agreement, as defined by Connecticut General Statutes § 42-81(b)(1): Complete all sections of the form. If the bidder or contractor has entered into more than one such consulting agreement, use a separate form for each agreement. Sign and date the form in the presence of a Commissioner of the Superior Court or Notary Public. **If the bidder or contractor has not entered into a consulting agreement, as defined by Connecticut General Statutes § 42-81(b)(1):** Complete only the shaded section of the form. Sign and date the form in the presence of a Commissioner of the Superior Court or Notary Public.

Submit completed form to the awarding State agency with bid or proposal. For a sole source award, submit completed form to the awarding State agency at the time of contract execution.

This affidavit must be amended if there is any change in the information contained in the most recently filed affidavit not later than (i) thirty days after the effective date of any such change or (ii) upon the submittal of any new bid or proposal, whichever is earlier.

**AFFIDAVIT:** (Number of Affidavits Sworn and Subscribed On This Day: \_\_\_\_\_)

I, the undersigned, hereby swear that I am a principal or key personnel of the bidder or contractor awarded a contract, as described in Connecticut General Statutes § 42-81(b), or that I am the individual awarded such a contract who is authorized to execute such contract. I further swear that I have not entered into any consulting agreement in connection with such contract, **except for the agreement listed below:**

Consultant's Name and Title _____		Name of Firm (if applicable) _____
Start Date _____	End Date _____	Cost _____
Description of Services Provided: _____		

Is the consultant a former State employee or former public official? ☐ YES ☐ NO

If YES: Name of Former State Agency \_\_\_\_\_ Termination Date of Employment \_\_\_\_\_

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

Enstructure New Haven Holdings LLC

88a Gateway Terminal

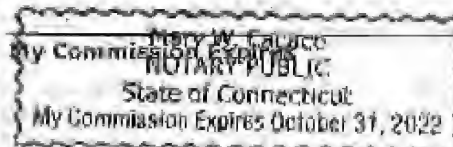
Printed Name of Bidder or Contractor \_\_\_\_\_ Signature of Principal or Key Personnel \_\_\_\_\_ Date 8/24/18

Matthew Satnick  
Printed Name (of above)

Awarding State Agency \_\_\_\_\_

Sworn and subscribed before me on this 24 day of August, 2018.

Mary W. Caluso  
Commissioner of the Superior Court  
or Notary Public



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**CONTRACTOR'S CERTIFICATION CONCERNING GIFTS**

(OPM Ethics Form 1)

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## CONTRACTOR'S CERTIFICATION CONCERNING GIFTS

### Service Agreement

(This CERTIFICATION is to be signed by an authorized officer of the Contractor or the Contractor's managing general partner.)

Section 4-253 of the *Connecticut General Statutes* requires that a Contractor (i.e., the successful bidder/proposer/statement of qualifications submitter for an Agreement) complete and properly execute this Certification Concerning Gifts at the same time that the Contractor executes the Agreement. If the Contractor fails to make the required certifications, the Contractor shall be disqualified for the Agreement.

I, Matthew Sennick, a duly authorized officer and/or representative of Enstructure New Haven Holdings LLC dba Gateway Terminal (firm name) (the "Contractor"), being duly sworn, hereby depose and say that:

1. I am over eighteen (18) years of age and believe in the obligations of an oath, and
  2. The Contractor has submitted a bid for the "SERVICE AGREEMENT" (the "Agreement") to the Connecticut Port Authority ("CPA"), and has been selected by CPA as the successful bidder/proposer/SOQ submitter for the Agreement and is prepared to enter into the Agreement with CPA; and
  3. No gifts were made between June 7, 2018 and the date of execution of the Agreement, by
    - (a) The Contractor,
    - (b) Any principals and key personnel of the Contractor who participated substantially in preparing the Contractor's bid/proposal/statement of qualifications for or the negotiation of the Agreement, or
    - (c) Any agent of the Contractor or principals and key personnel who participated substantially in preparing the Contractor's bid/proposal/statement of qualifications for or the negotiation of the Agreement.
- to
- (1) Any public official or employee of CPA who participated substantially in the preparation of the bid/proposal/qualifications solicitation for or the negotiation or award of the Agreement (such CPA employees are listed in Table 2 below), or
  - (2) Any public official or state employee of any state agency who has supervisory or appointing authority over CPA (such public officials and state employees are listed in Table 3 below); and
4. No such principals and key personnel of the Contractor or agent of the Contractor or principals and key personnel knows of any action by Contractor to circumvent the prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the Contractor to provide a gift to any such public official or state employee; and

5. The Contractor made the bid/proposal/statement of qualifications for the Agreement without fraud or collusion with any person;
6. The information set forth herein is true, to the best of my knowledge and belief, subject to the penalties of false statement.

**TABLE 2: CPA Substantial Participants in the Preparation of the Request for Bids for the Agreement**

Ivan Matthews, Executive Director
Joseph Salvatore, Project Manager

**TABLE 3: Public Officials and State Employees of State Agencies Who Have Supervisory or Appointing Authority over CPA**

Governor Dannel P. Malloy
Senator Martin Looney, President Pro Tempore of the Senate
Representative Jne Areximowicz, Speaker of the House of Representatives
Representative Themis Klarides, Minority Leader of the House of Representatives
Senator Bob Duff, Majority Leader of the Senate
Senator Len Fasano, Minority Leader of the Senate

Signature: [Signature]  
 Name (type/print): Matthew Saurek  
 Title: Authorized Representative  
 State Of: Connecticut  
 County Of: New Haven

Matthew Saurek, being fully sworn, deposes and says that he/she is the Authorized Representative (Title) of Enstructure New Haven Holdings LLC dba Gateway Terminal (Firm Name), the Contractor herein, that he/she has read the foregoing statement concerning gifts, and, under the penalty of perjury, certifies that each and every part of said statement is true to his/her best knowledge and belief.

Sworn to before me this 24 day of August 2018

[Signature]  
 Notary Public/Commissioner of the Superior Court

Mary W. Casade  
 NOTARY PUBLIC  
 State of Connecticut  
 My Commission Expires October 31, 2022

For the purposes of this Certification Concerning Gifts the following terms are defined as follows:

"Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. "Gift" shall not include:

(1) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section 9-607a of the *Connecticut General Statutes*;

(2) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

(3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(4) A gift received from (A) an individual's spouse, fiancé or fiancée, (B) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;

(5) Funds or services (A) which are provided to a state agency or quasi-public agency (i) for use on state or quasi-public agency property, or (ii) that sustain an event, and (B) which facilitate state or quasi-public agency action or functions. As used in this Affidavit Concerning Gifts, "state property" means:

(i) property owned by the state or a quasi-public agency, or (ii) property leased to a state agency or quasi-public agency;

(6) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) A rebate, discount or promotional item available to the general public;

(8) Printed or recorded informational material furnished to state action or functions;

(9) Food or beverage or both, costing less than fifty dollars in the aggregate per individual in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;

(10) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly are invited and which is hosted not more than once in any calendar year by (i) a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

(11) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subdivision, "region of the state" means the established

geographic regions area of the organization hosting the reception;

(12) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a legislator or is not doing business with the state of Connecticut;

(13) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participated in his official capacity, provided such admission is provided by the primary sponsoring entity;

(14) Anything of value provided by an employer of (A) a public official, (B) a state employee, or (C) a spouse of a public official or state employee. In such official, employee or spouse provided such benefits are customarily and ordinarily provided to others in similar circumstances or;

(15) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year shall not exceed fifty dollars;

(16) Training that is provided by a vendor for a product purchased by a state or quasi-public agency which is offered to all customers of such vendor or;

(17) Travel expenses, lodging, food, beverage and other benefits customarily provided by a prospective employer, when provided to a student at a public institution of higher education whose employment is derived from such student's status as a student at such institution, in connection with bona fide employment discussions.

"Participated substantially" means participation that is direct, extensive and substantive, and not peripheral, clerical or ministerial.

"Principal and key personnel" means officers, directors, shareholders, members, partners and managerial employees.





# STATE OF CONNECTICUT GIFT AND CAMPAIGN CONTRIBUTION CERTIFICATION

It shall be unlawful for anyone to contribute a gift or money with a value of \$50.00 or more pursuant to C.G.S. § 4-250, 4-251 and 4-252 (1)(B) and (C) and Section 4-253(a) of the General Statutes of the State of Connecticut.

## INSTRUCTIONS:

Complete all sections of the form. Attach additional pages, if necessary, to provide full disclosure about any lawful campaign contributions made to campaigns of candidates for statewide public office or the General Assembly, as described herein. Sign and date the form, under oath, in the presence of a Commissioner of the Superior Court or Notary Public. Submit the completed form to the awarding State agency at the time of initial contract execution and if there is a change in the information contained in the most recently filed certification, such person shall submit an updated certification either (i) not later than thirty (30) days after the effective date of such change or (ii) upon the submittal of any new bid or proposal for a contract, whichever is earlier. Such person shall also submit an accurate, updated certification not later than fourteen days after the twelve-month anniversary of the most recently filed certification or updated certification.

**CHECK ONE:** ☒ Initial Certification ☐ 12 Month Anniversary Update (Multi-year contracts only.)  
☐ Updated Certification because of change of information contained in the most recently filed certification or twelve-month anniversary update.

## GIFT CERTIFICATION:

As used in this certification, the following terms have the meaning set forth below:

- "Contract" means that contract between the State of Connecticut (and/or one or more of its agencies or instrumentalities) and the Contractor, attached hereto, or as otherwise described by the awarding State agency below;
- If this is an Initial Certification, "Execution Date" means the date the Contract is fully executed by, and becomes effective between, the parties, if this is a twelve-month anniversary update, "Execution Date" means the date this certification is signed by the Contractor;
- "Contractor" means the person, firm or corporation named as the contractor below;
- "Applicable Public Official or State Employee" means any public official or state employee described in C.G.S. § 4-252(c)(1)(i) or (ii);
- "Gift" has the same meaning given that term in C.G.S. § 4-250(1);
- "Principals or Key Personnel" means and refers to those principals and key personnel of the Contractor, and its or their agents, as described in C.G.S. §§ 4-250(5) and 4-252(c)(1)(B) and (C);

I, the undersigned, am a Principal or Key Personnel of the person, firm or corporation authorized to execute this certification on behalf of the Contractor. I hereby certify that, no gifts were made by (A) such person, firm, corporation, (B) any principals and key personnel of the person, firm or corporation who participate substantially in preparing bids, proposals or negotiating state contracts or (C) any agent of such, firm, corporation, or principals or key personnel who participates substantially in preparing bids, proposals or negotiating state contracts, to (i) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for state contracts who participates substantially in the preparation of bid solicitations or request for proposals for state contracts or the negotiation or award of state contracts or (ii) any public official or state employee of any other state agency, who has supervisory or appointing authority over such state agency or quasi-public agency.

I further certify that no Principals or Key Personnel know of any action by the Contractor to circumvent (or which would result in the circumvention of) the above certification regarding **Gifts** by providing for any other Principals, Key Personnel, officials, or employees of the Contractor, or its or their agents, to make a **Gift** to any Applicable Public Official or State Employee. I further certify that the Contractor made the bid or proposal for this Contract without fraud or collusion with any person.



**CAMPAIGN CONTRIBUTION CERTIFICATION**

I further certify that, on or after January 1, 2011, neither the Contractor nor any of its principals, as defined in C.G.S. § 9-612(f)(1), has made any **campaign contributions** to, or solicited any contributions on behalf of, any exploratory committee, candidate committee, political committee, or party committee established by, or supporting or authorized to support, any candidate for statewide public office, in violation of C.G.S. § 9-612(f)(2)(A). I further certify that **all lawful campaign contributions** that have been made on or after January 1, 2011 by the Contractor or any of its principals, as defined in C.G.S. § 9-612(f)(1), to, or solicited on behalf of, any exploratory committee, candidate committee, political committee, or party committee established by, or supporting or authorized to support any candidates for statewide public office or the General Assembly, are listed below:

**Lawful Campaign Contributions to Candidates for Statewide Public Office:**

<u>Contribution Date</u>	<u>Name of Contributor</u>	<u>Recipient</u>	<u>Value</u>	<u>Description</u>
N/A				

**Lawful Campaign Contributions to Candidates for the General Assembly:**

<u>Contribution Date</u>	<u>Name of Contributor</u>	<u>Recipient</u>	<u>Value</u>	<u>Description</u>
N/A				

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

Enstructure New Haven Holdings LLC,

d/b/a Gateway Terminal

Printed Contractor Name

Matthew Satnick

Printed Name of Authorized Official

  
Signature of Authorized Official

Subscribed and acknowledged before me this 24 day of August, 2018.

  
Commissioner of the Superior Court (or Notary Public)

My Commission Expires

Mary W. Cacace  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires October 31, 2022

**CERTIFICATION CONCERNING GIFTS**

(OPM Ethics Form 3)

MS



**STATE OF CONNECTICUT  
CERTIFICATION OF STATE AGENCY OFFICIAL OR EMPLOYEE  
AUTHORIZED TO EXECUTE CONTRACT**

*Certification to accompany a State contract, having a value of \$50,000 or more, pursuant to  
Connecticut General Statutes §§ 4-250 and 4-252(f), and Governor Daniel P. Malloy's  
Executive Order 49*

**INSTRUCTIONS:**

Complete all sections of the form. Sign and date in the presence of a Commissioner of the Superior Court or Notary Public. Submit to the awarding State agency at the time of contract execution.

**CERTIFICATION:**

I, the undersigned State agency official or State employee, certify that (1) I am authorized to execute the attached contract on behalf of the State agency named below, and (2) the selection of the contractor named below was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

\_\_\_\_\_  
Contractor Name

\_\_\_\_\_  
Awarding State Agency

\_\_\_\_\_  
State Agency Official or Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner of the Superior Court  
or Notary Public

\_\_\_\_\_  
My Commission Expires

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**CHRO NOTIFICATION TO BIDDERS**  
(CHRO Notification to Bidders)



**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
CONTRACT COMPLIANCE REGULATIONS  
NOTIFICATION TO BIDDERS**

(Revised 09/27/13)

The contract to be awarded is subject to contract compliance requirements mandated by Sections 28-29 and 28-30 of the Connecticut General Statutes, and, when the awarding agency is the State: Sections 116a and 116b of the Connecticut General Statutes. There are Contract Compliance Regulations codified at Sections 11-111 through 11-117 of the Regulations of Connecticut State Agencies, which establish a procedure for awarding all contracts covered by Sections 28-29 and 28-30 of the Connecticut General Statutes.

According to Section 11-111.1(a) of the Contract Compliance Regulations, every agency awarding a contract subject to the contract compliance requirements has an obligation to "aggressively solicit the participation of legitimate minority business enterprises as bidders, contractors, subcontractors and suppliers of materials." "Minority business enterprise" is defined in Section 28-29 of the Connecticut General Statutes as a business wherein fifty-one percent or more of the capital stock, or assets belong to a person or persons: "(1) Who are active in daily affairs of the enterprise; (2) who have the power to direct the management and policies of the enterprise; and (3) who are members of a minority, as such term is defined in subsection (b) of Section 28-29." "Minority" groups are defined in Section 28-29 of the Connecticut General Statutes as: "(1) Black Americans; (2) Hispanic Americans; . . . (3) persons who have origins in the Iberian Peninsula; . . . (4) Women; . . . (5) Asian Pacific Americans and Pacific Islanders; (6) American Indians; . . ." An individual with a disability is also a minority business enterprise as provided by Section 28-29 of the Connecticut General Statutes. The above definitions apply to the contract compliance requirements by virtue of Section 11-111.1(a) of the Contract Compliance Regulations.

The awarding agency will consider the following factors when reviewing the bidder's qualifications under the contract compliance requirements:

- (a) the bidder's success in implementing an affirmative action plan;
- (b) the bidder's success in developing an apprenticeship program complying with Sections 4-604.11 and 4-604.17 of the Administrative Regulations of Connecticut State Agencies, inclusive;
- (c) the bidder's promise to develop and implement a successful affirmative action plan;
- (d) the bidder's submission of employment statistics contained in the "Employment Information Form", indicating that the composition of its workforce is at or near parity when compared to the racial and sexual composition of the workforce in the relevant labor market area; and
- (e) the bidder's promise to set aside a portion of the contract for legitimate minority business enterprises, See Section 11-111.1(b) through 11-111.1(f) of the Contract Compliance Regulations.

**INSTRUCTIONS AND OTHER INFORMATION**

The following BIDDER CONTRACT COMPLIANCE MONITORING REPORT must be completed in full, signed, and submitted with the bid for this contract. The contract awarding agency and the Commission on Human Rights and Opportunities will use the information contained therein to determine the bidder's compliance to Sections 28-29 and 28-30 CONN. GEN. STAT., and Sections 11-111 through 11-117 of the Regulations of Connecticut State Agencies regarding equal employment opportunity, and the bidder's good faith efforts to include minority business enterprises as subcontractors and suppliers for the work of the contract.

**1) Definition of Small Contractor**

Section 28-29 CONN. GEN. STAT. defines a small contractor as a company that has been doing business under the same management and control and has maintained its principal place of business in Connecticut for a one year period immediately prior to its application for certification under this section, had gross revenues not exceeding fifteen million dollars in the most recently completed fiscal year, and at least fifty-one percent of the ownership of which is held by a person or persons who are active in the daily affairs of the company, and have the power to direct the management and policies of the company, except that a nonprofit corporation shall be construed to be a small contractor if such nonprofit corporation meets the requirements of subparagraphs (A) and (D) of subdivision 1 of Section 28-29 CONN. GEN. STAT.

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**MANAGEMENT:** Managers plan, organize, direct, and control the major functions of an organization through subordinates who are at the managerial or supervisory level. They make policy decisions and set objectives for the company or departments. They are not usually directly involved in production or providing services. Examples include top executives, public relations managers, managers of operations specialties (such as financial, human resources, or purchasing managers), and construction and engineering managers.

**BUSINESS AND FINANCIAL OPERATIONS:** These occupations include managers and professionals who work with the financial aspects of the business. These occupations include accountants and auditors, purchasing agents, management analysts, labor relations specialists, and budget, credit, and financial analysts.

**MARKETING AND SALES:** Occupations related to the act or process of buying and selling products and/or services such as sales engineer, retail sales workers and sales representatives including wholesale.

**LEGAL OCCUPATIONS:** In-house Counsel who is charged with providing legal advice and services in regards to legal issues that may arise during the course of standard business practices. This category also includes assistive legal occupations such as paralegals, legal assistants.

**COMPUTER SPECIALISTS:** Professionals responsible for the computer operations within a company are grouped in this category. Examples of job titles in this category include computer programmers, software engineers, database administrators, computer scientists, systems analysts, and computer support specialists.

**ARCHITECTURE AND ENGINEERING:** Occupations related to architecture, surveying, engineering, and drafting are included in this category. Some of the job titles in this category include electrical and electronic engineers, surveyors, architects, drafters, mechanical engineers, materials engineers, mapping technicians and civil engineers.

**OFFICE AND ADMINISTRATIVE SUPPORT:** All clerical-type work is included in this category. These jobs involve the preparing, transcribing, and preserving of written communications and records; collecting accounts; gathering and distributing information; operating office machines and electronic data processing equipment; and distributing mail. Job titles listed in this category include telephone operators, bill and account collectors, customer service representatives, dispatchers, secretaries and administrative assistants, computer operators and clerks (such as payroll, shipping, stock, mail and file).

**BUILDING AND GROUNDS CLEANING AND MAINTENANCE:** This category includes occupations involving landscaping, housekeeping, and janitorial services. Job titles found in this category include supervisors of landscaping or housekeeping, janitors, maids, grounds maintenance workers, and pest control workers.

**CONSTRUCTION AND EXTRACTION:** This category includes construction trades and related occupations. Job titles found in this category include blowermakers, masons (all types), carpenters, construction laborers, electricians, plumbers (and related trades), roofers, sheet metal workers, elevator installers, hazardous materials removal workers, paperhangers, and painters. Paving, surfacing, and lamping equipment operators; drywall and ceiling tile installers; and carpet, floor and tile installation and finishers are also included in this category. First line supervisors, foremen, and helpers in these trades are also grouped in this category.

**INSTALLATION, MAINTENANCE AND REPAIR:** Occupations involving the installation, maintenance, and repair of equipment are included in this group. Examples of job titles found here are heating, ac, and refrigeration mechanics and installers; telecommunication line installers and repairers; heavy vehicle and mobile equipment service technicians and mechanics; small engine mechanics; security and fire alarm systems installers; electric/electronic repair; industrial, utility and transportation equipment; millwrighting; riggers, and manufactured building and mobile home installers. First line supervisors, foremen, and helpers for these jobs are also included in the category.

**MATERIAL MOVING WORKERS:** The job titles included in this group are Crane and tower operators; dredge excavating and loading machine operators; hoist and winch operators; industrial truck and tractor operators; cleaners of vehicles and equipment; laborers and freight, stock, and material movers, hand; machine feeders and offloaders; packers and packagers; hand pumping station operators; refuse and recyclable material collectors; and miscellaneous material moving workers.

**PRODUCTION WORKERS:** The job titles included in this category are chemical production machine setters, operators and tenders; crushing/grinding workers; cutting workers; inspectors, testers sorters, samplers, weighers; precision stone/metal workers; painting workers; planing/milling machine operators and helpers; etching/engravers; molders, shapers and casters except for metal and plastic; and production workers.

### 3) Definition of Racial and Ethnic Terms (as used in Part IV Bidder Employment Information) (Page 7)

<b>White (not of Hispanic Origin)</b> -All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.	<b>Asian or Pacific Islander</b> - All persons having origins in any of the original peoples of the far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippines Islands, and Samoa.
<b>Black (not of Hispanic Origin)</b> -All persons having origins in any of the Black racial groups of Africa.	<b>American Indian or Alaskan Native</b> - All persons having origins in any of the original peoples of North America, and who maintain culture identification through tribal affiliation or community recognition.
<b>Hispanic</b> - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.	

## BIDDER CONTRACT COMPLIANCE MONITORING REPORT

### PART I - Bidder Information

<b>Company Name:</b> Enstructure New Haven Holdings LLC dba Gateway <b>Street Address:</b> 16 Laurel Ave, Suite 300 <b>City &amp; State:</b> Waterbury, CT <b>Chief Executive:</b> Matthew Barrios	<b>Bidder Federal Employer #1-3444362 (Great Company #1/04)</b> <b>Identification Number:</b> <b>Or</b> <b>Social Security Number:</b>
<b>Major Business Activity:</b> Port and Terminal operator, cargo handling and transportation and logistics provider <b>(bidder description)</b>	<b>Bidder Identification</b> <b>(response optional/definitions on page 1)</b>  <b>-Bidder is a small company?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>-Bidder is a minority business enterprise?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>(If yes, check ownership category)</b> <b>Black</b> <input type="checkbox"/> <b>Hispanic</b> <input type="checkbox"/> <b>Asian American</b> <input type="checkbox"/> <b>American Indian/Alaskan Native</b> <input type="checkbox"/> <b>Island Peninsula</b> <input type="checkbox"/> <b>Individual(s) with a Physical Disability</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/> <b>-Bidder is certified or above by State of CT?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Bidder Parent Company:</b> Enstructure LLC <b>(If any)</b>	
<b>Other Locations in CT:</b> No <b>(If any)</b>	

### PART II - Bidder Nondiscrimination Policies and Procedures

<b>1. Does your company have a written Affirmative Action/Equal Employment Opportunity statement posted on company bulletin boards?</b> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	<b>7. Do all of your company contracts and purchase orders contain non-discrimination statements as required by Sections 4a-60 &amp; 4a-60a Conn. Gen. Stat.?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>2. Does your company have the state-mandated sexual harassment prevention in the workplace policy posted on company bulletin boards?</b> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	<b>8. Do you, upon request, provide reasonable accommodation to employees, or applicants for employment, who have physical or mental disability?</b> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>
<b>3. Do you notify all recruitment sources in writing of your company's Affirmative Action/Equal Employment Opportunity employment policy?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>9. Does your company have a mandatory retirement age for all employees?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>4. Do your company advertisements contain a written statement that you are an Affirmative Action/Equal Opportunity Employer?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>	<b>10. If your company has 50 or more employees, have you provided at least two (2) hours of sexual harassment training to all of your supervisors?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>5. Do you notify the CT State Employment Service of all employment openings with your company?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>	<b>11. If your company has apprenticeship programs, do they meet the Affirmative Action/Equal Employment Opportunity requirements of the apprenticeship standards of the CT Dept. of Labor?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>6. Does your company have a collective bargaining agreement with workers?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/> <b>6a. If yes, do the collective bargaining agreements contain non-discrimination clauses covering all workers?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>6b. Have you notified each union in writing of your commitments under the nondiscrimination requirements of contracts with the State of CT?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>	<b>12. Does your company have a written affirmative action plan?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/> <b>(If no, please explain.)</b> We are an equal opportunity employer. <b>13. Is there a person in your company who is responsible for equal employment opportunity?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>If yes, give name and phone number:</b>

1. Will the work of this contract include subcontractors or suppliers? Yes ☐ No ☒

1a. If yes, please list all subcontractors and suppliers and report if they are a small contractor and/or a minority business enterprise. (defined on page 1 / use additional sheet if necessary)

1b. Will the work of this contract require additional subcontractors or suppliers other than those identified in 1a. above? Yes ☐ No ☒

## PART IV - Bidder Employment Information

Date: 8/24/18

JOB CATEGORY *	OVERALL TOTALS *	WHITE (not of Hispanic origin)		BLACK (not of Hispanic origin)		HISPANIC		ASIAN or PACIFIC ISLANDER		AMERICAN INDIAN or ATASKAN NATIVE	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Management	10	10									
Business & Financial Ops.	3	2	1								
Marketing & Sales	2	2									
Legal Counselors											
Computer Specialists											
Architectural/Engineers											
Office Admin Support	4		4								
Welding/Construction											
Construction & Maintenance											
Installation, Maintenance & Repair	4	3				1					
Material Moving Workers	122	82		9		31					
Trades and Occupations											
TOTAL EMPLOYEES	145	99	5	9		32					
Total One Year Avg	145	99	5	9		32					
FORMAL ON THE JOB TRAINING - ENTER FIGURES FOR THE SAME CATEGORIES AS ABOVE (DOWN ABOVE)											
Apprentices											
Trainees											


\*NOTE: JOB CATEGORIES CAN BE CHANGED OR ADDED TO (EX. SALLS CAN BE ADDED OR REPLACED A CATEGORY NOT USED BY YOUR COMPANY)

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1. Which of the following recruitment sources are used by you? (Check yes/no; and report percent used)				2. Check (X) one or the below used requirements that you use as a hiring qualification (X)		3. Describe below any other practices or actions that you take which show that you hire, train and promote employees without discrimination
SOURCE	YES	NO	% of applicants provided by source			
State Employment Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>			Work Experience	
Private Employment Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5		Ability to Speak or Write English	
Schools and Colleges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5		Written Tests	
Newspaper Advertisement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10		High School Diploma	
Walk Ins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15		College Degree	
Present Employees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15		Union Membership	
Ethnic Organizations	<input type="checkbox"/>	<input checked="" type="checkbox"/>			Personal Recommendation	
Military/Community Organizations	<input type="checkbox"/>	<input checked="" type="checkbox"/>			Height or Weight	
Others (please identify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	50		Car Ownership	
WWW Employment sites	<input type="checkbox"/>	<input type="checkbox"/>			Criminal Record	
	<input type="checkbox"/>	<input type="checkbox"/>			Wage Discriminate	

Certification (Read this form and check your statements as it CAREFULLY before signing): I certify that the statements made by me on this BIDDER CONTRACT COMPLIANCE MONITORING REPORT are complete and true to the best of my knowledge and belief, and are made in good faith. I understand that if I knowingly make any misstatements of facts, I am subject to be declared in non-compliance with Section 4a-60, 4a-60a, and related sections of the CONN. GEN. STAT.

(Signature) 	(Title) Authorized Representative	(Date Signed) 8/7/18	(Telephone) 203-457-1997
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**STATE OF CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

**NOTICE CONCERNING CONTRACT COMPLIANCE RESPONSIBILITIES**

**TO ALL LABOR UNIONS, WORKERS REPRESENTATIVES AND VENDORS:**

Any contract this contractor has with the State of Connecticut or political subdivisions of the state, other than municipalities, shall be performed in accordance with CONN. GEN. STAT. Section 4a-60 and Section 4a-60a.

This means that this contractor:

1. Agrees to provide the Commission on Human Rights and Opportunities (CHRO) with any information concerning this contractor's employment practices and procedures which relates to the Commission's responsibilities under CONN. GEN. STAT. Sections 4a-60 or 46a-56 or Section 4a-60a; and
2. Agrees to include the provisions of CONN. GEN. STAT. Section 46a-60(a) and Section 4a-60a in each and every subcontract and purchase order and to take whatever action the CHRO deems necessary to enforce these provisions.

WITH REGARD TO RACE, COLOR, RELIGIOUS CREED, AGE, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, SEX, MENTAL RETARDATION OR PHYSICAL DISABILITY, this means that this contractor:

1. Shall not discriminate or permit discrimination against anyone;
2. Shall take affirmative action so that persons applying for employment are hired on the basis of job-related qualifications and that employees once hired are treated without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, unless the contractor can show that the disability prevents performance of the work involved;
3. Shall state in all advertisements for employees that it is an affirmative action-equal opportunity employer;
4. Shall comply with CONN. GEN. STAT. Sections 4a-60, 46a-68e and 46a-68f and with each regulation or relevant order issued by the CHRO under CONN. GEN. STAT. Sections 46a-56, 46a-68e and 46a-68f; and
5. Shall make, if the contract is a public works contract, good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials.

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WITH REGARD TO SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION:

1. The contractor will not discriminate or permit discrimination against anyone, and employees will be treated without regard to their sexual orientation, gender identity or expression once employed; and
2. The contractor agrees to fully comply with Section 4a-60a and each regulation or relevant order issued by the CHRO under CONN. GEN. STAT. Section 46a-56.

Persons having questions about this notice or their rights under the law are urged to contact the:

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
AFFIRMATIVE ACTION AND CONTRACT COMPLIANCE  
UNIT

450 Columbus Boulevard, Suite 2  
Hartford, CT 06103  
(860) 541-4709

COPIES OF THIS NOTICE SHALL BE POSTED IN CONSPICUOUS PLACES  
AVAILABLE TO ALL EMPLOYEES AND APPLICANTS FOR EMPLOYMENT

**IRAN CERTIFICATION FORM**

(OPM Iran Certification Form 7)

MS





## IRAN CERTIFICATION FORM

This form must be completed and properly executed under penalty of false statement by a chief executive officer, president, chairperson, member or other corporate officer duly authorized to adopt company, corporate or partnership policy of the business entity submitting a bid/proposal/statement of qualifications to the Connecticut Port Authority.

I, Matthew Salnick (name), Authorized Representative (title) of Enstructure New Haven Holdings LLC dba Gateway Terminal (firm name, hereafter "Contractor") an entity duly formed and existing under the laws of Delaware, being duly sworn, hereby depose that:

- i. I am over the age of eighteen and understand and appreciate the obligations of an oath
- ii. Contractor seeks to enter into the "SERVICE AGREEMENT" (the "Agreement") with the Connecticut Port Authority; and
- iii. Contractor hereby certifies as follows:

### Section 1: APPLICABILITY

**Check applicable box. (must be completed regardless of where the Contractor's principal place of business is located):**

- ☒ Contractor's principal place of business is within the United States or Contractor is a United States subsidiary of a foreign corporation. Contractors who check this box are not required to complete the Section 2: Certification portion of this form, but are still required to complete Section 3 of this form.
- ☐ Contractor's principal place of business is outside the United States and it is not a United States subsidiary of a foreign corporation. Contractors who check this box are required to complete all sections of this form.

Please complete this form as specified in this Section 1 and submit it with the RFB, RFP or RFQ response or contract package if there was no RFB, FRP, or RFQ process.

#### Additional definitions:

- 1) "Large scale contract" has the same meaning as defined in section 4-250 of the Connecticut General Statutes;
- 2) "Contractor" means the person whose name is set forth at the beginning of this form; and
- 3) "State agency" and "quasi-public agency" have the same meanings as provided in section 1-79 of the Connecticut General Statutes.

## Section 2: CERTIFICATION

Pursuant to P.A. No. 13-162, upon submission of a bid, or prior to executing a large state contract if no bid process was conducted, the certification portion of this form must be completed by any corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business organization whose principal place of business is located outside of the United States. United States subsidiaries of foreign corporations are exempt. For purposes of this form, a "foreign corporation" is one that is organized and incorporated outside the United States of America.

## CERTIFICATION:

I, the undersigned, am the official authorized to execute contracts on behalf of the Contractor. I certify that:

- ☐ Contractor has made no direct investments of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010.
- ☐ Contractor has either made direct investments of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010, or Contractor made such an investment prior to October 1, 2013 and has now increased or renewed such an investment on or after said date, or both.

## Section 3: AFFIRMATION

Note: This Section 3 must be completed even if Section 2 of this form was not required based on the responses in Section 1 of this form.

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

Enstructure New Haven Holdings LLC dba Gateway Terminal

Matthew Satnick

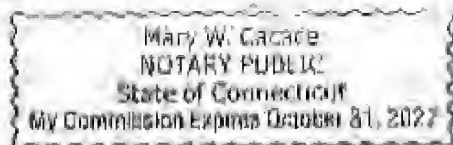
Printed Contractor Name

Printed Name of Authorized Official

Signature of Authorized Official

Subscribed and acknowledged before me this 24 day of AUGUST, 20 13

Commissioner of the Superior Court (or Notary Public)







**STATE OF CONNECTICUT**

Written or electronic PDF copy of the written certification to accompany a large state contract pursuant to P.A. No. 13-162 (Prohibiting State Contracts With Entities Making Certain Investments in Iran)

Respondent Name: Enstructure New Haven Holdings LLC dba Gateway Terminal

**INSTRUCTIONS:**

**CHECK ONE:** ☒ Initial Certification.  
☐ Amendment or renewal.

**A. Who must submit and submit this form.** Effective October 1, 2013, this form must be submitted for any large state contract, as defined in section 4-250 of the Connecticut General Statutes. This form must always be submitted with the bid or proposal, or if there was no bid process, with the resulting contract, regardless of where the principal place of business is located.

Pursuant to P.A. No. 13-162, upon submission of a bid or prior to executing a large state contract, the certification portion of this form must be completed by any corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business organization whose principal place of business is located outside of the United States. United States subsidiaries of foreign corporations are exempt. For purposes of this form, a "foreign corporation" is one that is organized and incorporated outside the United States of America.

**Check applicable box:**

- ☒ Respondent's principal place of business is within the United States or Respondent is a United States subsidiary of a foreign corporation. Respondents who check this box are **not required to complete the certification portion of this form**, but must submit this form with its Invitation to Bid ("ITB"), Request for Proposal ("RFP") or Contract package if there was no bid process.
- ☐ Respondent's principal place of business is outside the United States and it is not a United States subsidiary of a foreign corporation. **CERTIFICATION REQUIRED.** Please complete the certification portion of this form and submit it with the ITB or RFP response or contract package if there was no bid process.

**B. Additional definitions.**

- "Large state contract" has the same meaning as defined in section 4-250 of the Connecticut General Statutes;
- "Respondent" means the person whose name is set forth at the beginning of this form; and
- "State agency" and "quasi-public agency" have the same meanings as provided in section 1-79 of the Connecticut General Statutes.

**C. Certification requirements.**

No state agency or quasi-public agency shall enter into any large state contract, or amend or renew any such contract with any Respondent whose principal place of business is located outside the United States and is not a United States subsidiary of a foreign corporation unless the Respondent has submitted this certification.

Complete all sections of this certification and sign and date it, under oath, in the presence of a Commissioner of the Superior Court, a Notary Public or a person authorized to take an oath in another state.

**CERTIFICATION:**

I, the undersigned, am the official authorized to execute contracts on behalf of the Respondent. I certify that:

☒ Respondent has made no direct investments of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010.

☐ Respondent has either made direct investments of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010, or Respondent made such an investment prior to October 1, 2013 and has now increased or renewed such an investment on or after said date, or both.

Sworn to true to the best of my knowledge and belief, subject to the penalties of false statement.

Enstructure New Haven Holdings LLC  
 (dba Gateway Terminal)

Matthew Sarnick  
 Printed Name of Authorized Official

Signature of Authorized Official

Subscribed and acknowledged before me this 24 day of AUGUST, 2015.

Mary M. Casco

Commissioner of the Superior Court (or Notary Public)

Mary M. Casco  
 NOTARY PUBLIC  
 State of Connecticut Commission Expires  
 My Commission Expires October 31, 2018

**AFFIRMATION OF RECEIPT OF STATE ETHICS LAWS SUMMARY**

(OPM Ethics Form 6)

MS





# STATE OF CONNECTICUT

## AFFIRMATION OF RECEIPT OF STATE ETHICS LAWS SUMMARY

*(Printed or electronic affirmation by contractor to large State construction or procurement contract. Develop a contract clause from CSMS 003, pursuant to Connecticut General Statutes § 1-111 and 1-111a.)*

### INSTRUCTIONS:

Complete all sections of the form. Submit completed form to the awarding State agency or contractor, as directed below.

### CHECK ONE:

- ☒ I am a person seeking a large State construction or procurement contract. I am submitting this affirmation to the awarding State agency with my bid or proposal. [Check this box if the contract will be awarded through a competitive process.]
- ☐ I am a contractor who has been awarded a large State construction or procurement contract. I am submitting this affirmation to the awarding State agency at the time of contract execution. [Check this box if the contract was a sole source award.]
- ☐ I am a subcontractor or consultant of a contractor who has been awarded a large State construction or procurement contract. I am submitting this affirmation to the contractor.
- ☐ I am a contractor who has already filed an affirmation, but I am updating such affirmation either (i) no later than thirty (30) days after the effective date of any such change or (ii) upon the submittal of any new bid or proposal, whichever is earlier.

### IMPORTANT NOTE:

Within fifteen (15) days after the request of such agency, institution or quasi-public agency for such affirmation contractors shall submit the affirmations of their subcontractors and consultants to the awarding State agency. Failure to submit such affirmations in a timely manner shall be cause for termination of the large State construction or procurement contract.

### AFFIRMATION:

I, the undersigned person, contractor, subcontractor, consultant, or the duly authorized representative thereof, affirm (1) receipt of the summary of State ethics laws\* developed by the Office of State Ethics pursuant to Connecticut General Statutes § 1-81b and (2) that key employees of such person, contractor, subcontractor, or consultant have read and understand the summary and agree to comply with its provisions.

\* The summary of State ethics laws is available on the State of Connecticut's Office of State Ethics website.

<p><u></u>                  Signature</p> <p><u>Matthew Satnick</u>                  Printed Name</p>	<p><u>8/29/11</u>                  Date</p> <p><u>Authorized Representative</u>                  Title</p>
---	--

Enstructure New Haven Holdings LLC dba Gateway Terminal  
 Firm or Corporation (if applicable)

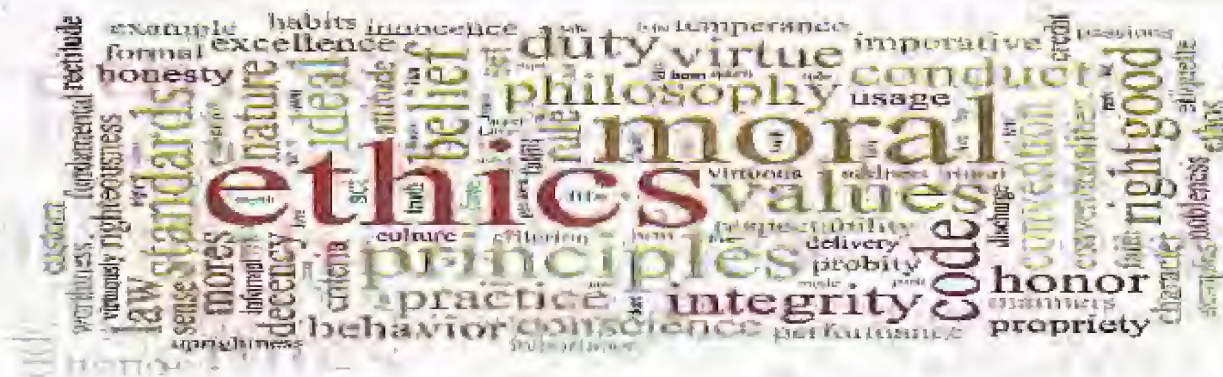
<p><u>16 Laurel Ave, Suite 300</u>                  Street Address</p>	<p><u>Wellesley Hills</u>                  City</p>	<p><u>MA</u>                  State</p>	<p><u>02481</u>                  Zip</p>
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CPA  
 Awarding State Agency

*143*



# State Contractors Guide to the Code of Ethics



**Office of State Ethics**

Carol Carson, Executive Director

MS



## State Contractors Guide to the Code of Ethics

### Contact Us



**Agency Address:** Connecticut Office of State Ethics  
18-20 Trinity Street  
Suite 205  
Hartford, CT 06106

**Telephone:** 860-263-2400

**Facsimile:** 860-263-2402

**Website:** [www.ct.gov/ethics](http://www.ct.gov/ethics)

**Business Hours:** 8:00 am to 5:00 pm

**Visitors must enter the building through the door next to the Bushnell Memorial Theater.**

**Specific E-mail Contacts:** For the timeliest responses, please be sure to direct your questions to the appropriate e-mail address; for example, with a question such as, "Can I accept this outside position with a vendor?" please be sure to send your query to [ethics.code@ct.gov](mailto:ethics.code@ct.gov)

- ✓ Legal Advice Regarding Code of Ethics
- ✓ Lobbyist Filing/Reporting Questions
- ✓ Public Official Filing/Reporting Questions
- ✓ Enforcement/Filing a Complaint
- ✓ All Other Inquiries

[ethics.code@ct.gov](mailto:ethics.code@ct.gov)  
[lobbyis.code@ct.gov](mailto:lobbyis.code@ct.gov)  
[ethics.official@ct.gov](mailto:ethics.official@ct.gov)  
[ethics.enforcement@ct.gov](mailto:ethics.enforcement@ct.gov)

[staff@ethics.ct.gov](mailto:staff@ethics.ct.gov)

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### OFFICE OF STATE ETHICS

Created on July 1, 2005, under Public Act 05-193, the Office of State Ethics ("OSE") is an independent regulatory division of the Office of Governmental Accountability charged with administering and enforcing the Connecticut Codes of Ethics ("Ethics Codes"), which are found in Chapter 10 of the Connecticut General Statutes.

The OSE's duties include educating all those covered by the Ethics Codes; interpreting and applying the Ethics Codes; investigating violations of, and otherwise enforcing, the Ethics Codes; and providing information to the public.

The OSE's jurisdiction:

<b>Part I</b>	Code of Ethics for Public Officials General Statutes <u>45b-199</u> to <u>1-203</u>
<b>Part D</b>	Code of Ethics for Lobbyists General Statutes <u>45b-91</u> to <u>1-101g</u>
<b>Part III</b>	Lobbying; Miscellaneous Provisions General Statutes <u>45b-101a</u> and <u>1-101b</u>
<b>Part IV</b>	Ethical Considerations Concerning Bidding and State Contracts General Statutes <u>45b-101a</u> to <u>1-107f</u>

The OSE Executive Director has overall responsibility for the welfare and effectiveness of the OSE, which has three divisions, the legal division, the enforcement division, and the administrative division.

The OSE's governing body is the Citizen's Ethics Advisory Board ("CEAB"), which has nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public. A schedule of CEAB meeting dates, times, and locations is available at [www.ct.gov/ethics](http://www.ct.gov/ethics).

CEAB Members:

- Attend monthly CEAB meetings
- Appoint and evaluate the Executive Director of the OSE
- Issue advisory opinions to persons subject to the Ethics Codes
- Serve as a Hearing Officer for non-confidential hearings held under the Uniform Administrative Procedures Act, General Statutes § 4-160 et. seq.
- Attend hearings to determine if violations occurred and, if so, assess penalties
- Attend special meetings if necessary
- Oversee legislative agenda



### THE BIG PICTURE

Like state employees and officials, state contractors are subject to the Ethics Codes, but in a more limited manner. That is, they are not, as [Advisory Opinion No. 99-26](#) puts it, "subject to the far more restrictive provisions . . . that apply to state employees and public officials," but they are subject to certain "narrow constraints."

As you read through this guide, be aware that these restraints, and those that apply to state employees and officials, were enacted to prevent persons from using their public position of authority for their own financial benefit, or for the financial benefit of certain others (for example, family members).

Also be aware that each state agency has its own ethics policy, which may be more restrictive than what follows, particularly concerning the types of benefits a state employee or official may accept from state contractors (and others).

### CONFLICTS

The Ethics Codes contain two primary conflict statutes that apply specifically to state contractors: General Statutes [§§ 1-36a](#) and [1-101a](#).

#### GENERAL STATUTES § 1-86e

Section [1-86e](#) applies to any "person hired by the state as a consultant or independent contractor." Such persons may not do as follows:

- (1) Use the authority, or confidential information, provided under the contract to financially benefit the person, an employee, or an immediate family member;
- (2) Accept another state contract that would impair the person's independence of judgment in performing the existing contract; or
- (3) Accept a bribe (that is, accept anything of value based on an understanding that the person's actions on the state's behalf would be influenced).

**Key points from [Advisory Opinion No. 97-25](#) concerning [§ 1-86e](#):**

- Section [1-86e](#) is not intended to interfere with a contractor's business, but to prevent a private entity from using state money to, for example, hire immediate family members without appropriate state oversight.
- A conflict of interest exists only if there is a connection between the facts in question and the state money and authority granted to the independent contractor or consultant by contract.



## State Contractors Guide to the Code of Ethics

- The term "independent contractor" does not apply just to individuals, but also to private agencies that contract with the state.
- If a state contractor wants to hire a family member to work under a state contract, the following procedure must be followed:
  1. The contractor must notify the contracting state agency in writing and demonstrate why the individual is appropriate for the job.
  2. The state agency must determine if the person is qualified for the job and whether the compensation is market rate; and if necessary, it may require the contractor to document a job search.

**NOTE:** In an enforcement action, a former state contractor was alleged to have violated § 1-862(a)(1) by using confidential information gained under its contract with a state agency in its subsequent representation of clients before that agency. The contractor entered into a Consent Order with the OSE, agreeing to pay a \$10,000 penalty.

### GENERAL STATUTES § 1-101nn

Subsection (a) of § 1-101nn applies to persons who are, or are seeking to be:

- (1) Prequalified under General Statutes § 1-100i;
- (2) A party to a large state construction or procurement contract, as defined in General Statutes § 1-101nn(4), with a state or quasi-public agency; or
- (3) A party to a consultant services contract with a state or quasi-public agency.

Such persons may not do as follows:

- (A) Solicit information from state officials or employees that is not available to other bidders;
- (B) Defraud the state (that is, charge a state or quasi-public agency for work not performed or goods not provided);
- (C) Attempt to circumvent state competitive bidding and ethics laws; or
- (D) Provide information about the person's donation of goods and services to state or quasi-public agencies in order to influence the award of a state contract.

Subsection (b) of § 1-101nn applies to a more limited group: Any consultant that is hired by the state to help plan a state contract, and any "associated" businesses, as defined in General Statutes § 1-101nn(1).

## State Contractors Guide to the Code of Ethics

Under § 1-101(a)(6) neither the consultant nor any "associated" businesses may serve in the following roles with respect to the contract the consultant helped to plan:

- Consultant to any person seeking to obtain the contract,
- Contractor for the contract, or
- Consultant or subcontractor to the person awarded the contract

**NOTE:** If you are unsure whether § 1-101(a)(6) applies to you, please contact the OSE, because any person found to have violated this section may be deemed a "nonresponsible bidder" by a state or quasi-public agency. General Statutes § 1-101(a)(2).

### ONE MORE CONFLICT RULE (of limited applicability)

General Statutes § 1-84(f)(1) bars the State Treasurer from doing business with an investment services firm whose political committee or principals have contributed to, or solicited contributions for, her exploratory or candidate campaign committee.

The prohibition applies during the term of office for which the candidate is campaigning, as well as for the remainder of an incumbent treasurer's term.

The prohibition applies only to contributions to the incumbent or victorious candidate for the office. Advisory Opinion No. 2003-1.

## ARE YOU REQUIRED TO REGISTER AS A LOBBYIST?

With certain exceptions, efforts to obtain a state contract can be considered administrative lobbying, requiring registration as a client lobbyist.

### Some Key Terms

**Client lobbyist:** Generally, an individual or entity that, on its own behalf, expends or agrees to expend \$3,000 or more in a calendar year for *administrative* and/or legislative lobbying and activities in furtherance of lobbying. General Statutes § 1-91(f)(2).

**Lobbying:** Generally, communicating directly, or soliciting others to communicate, with any public official or his or her staff in the legislative or executive branch, or in a quasi-public agency, in an effort to influence legislative or *administrative* action. General Statutes § 1-91(a)(1).

**Administrative action:** Any matter within a state or quasi-public agency's jurisdiction—such as any action or nonaction concerning a contract. General Statutes § 1-91(f)(1).



### Exceptions to Administrative Lobbying

The following activities are not considered administrative lobbying:

- Preparation of responses to an agency's request for proposals ("RFP"). OSE Regs. § 1-23-320(a)(1).
- Communications strictly for informational purposes (e.g., to determine what agency contract proposals will be forthcoming). OSE Regs. § 1-42-324(b)(3).
- Communications by a vendor's representative who acts as a *salesperson* and does not otherwise engage in administrative lobbying. General Statutes § 1-91(1)(8).
  - "Salespersons": Generally, individuals who have a set territory they routinely cover, and who are not part of a company's executive management. See Advisory Opinion No. 25-11.

Thus, if your contact with state or quasi-public agencies is limited to responding to RFPs, or otherwise pursuing a contract through the **normal agency process**, then you are not required to register as a "client lobbyist."

But you are "lobbying" if you go **outside the agency process** in trying to obtain a state contract. For example:

- Entertaining state employees and officials.
- Communicating with officials outside the agency (such as the Governor or legislators).
- Communicating with officials within the agency but outside the normal process (such as the agency head).

If \$3,000 or more is spent on such lobbying activities, "lobbyist" registration is required. See General Statutes § 1-24.

**Hypothetical from Advisory Opinion No. 2004-1:**

In responding to a state agency's RFP, a business entity spends \$3,500 in printing and personnel costs in taking a number of steps within the agency's normal contracting process. But in an effort to secure the contract, the entity contacts the Governor, thus taking action outside the normal agency process and, in doing so, expends an additional \$500 in personnel costs. Must it register as a lobbyist?

No. The \$3,500 spent in following the normal process to respond to the RFP is exempted from consideration as a lobbying expense. Therefore this entity would not have to register as a client lobbyist, because it has spent only \$500 towards its lobbying effort.

**NOTE:** If you are unsure whether you must register as a "lobbyist," please contact the OSE and/or review the "Client Lobbyist Guide to the Code of Ethics."

### GIFTS

#### GIVING GIFTS

General Statutes § 1-84(m) contains the "gift"-giving bans for state contractors and potential state contractors:

- An individual or entity **doing or seeking to do business** with a state agency may not give a "gift" to any of that agency's employees or officials.
  - This is an *agency-specific ban*, meaning: If an entity is doing or seeking to do business with State Agency X—but not with any other state agency—then it is prohibited from giving "gifts" only to employees and officials of State Agency X.
- A person **prequalified under § 36-109** may not knowingly give a "gift" to any state employee or official.
  - This ban is *not agency specific*, meaning it applies to all state employees and officials, even if the person is not doing or seeking to do business with an employee's or official's agency. (Registered lobbyists are subject to a similar ban. See General Statutes § 1-971a1.)

#### What is a "gift"?

General Statutes § 1-79(5) defines "gift" in three parts:

1. "anything of value" (for example, money, tickets to a sporting event, meals, services, etc.);
2. "which is directly and personally received" (that is, the state employee or official accepts the opportunity to partake of it);
3. "unless consideration of equal or greater value is given in return" (that is, unless the state employee or official pays fair market value for it).

#### Gift exceptions

There are many benefits that are not deemed "gifts," some of which may be used by state contractors, including these:

- **Token Items:** Items valued less than \$10 (such as a pen or mug), provided the annual aggregate of such items from a single source is \$50 or less. General Statutes § 1-79(5)(ii).



## State Contractors Guide to the Code of Ethics

- **Food/Beverage:** Up to \$50 in food/beverage annually, provided the donor or a representative is in attendance when it is being consumed. General Statutes § 1-79 (5)(11).
- **Training:** Training provided by a vendor for a product purchased by a state entity, provided it is offered to all of the vendor's customers. General Statutes § 1-79 (5)(1).
- **Ceremonial awards:** A certificate, plaque or other ceremonial award valued at less than \$100. General Statutes § 1-79 (5)(13).
- **Gifts to the State:** Goods or services given to a state entity. The gift must facilitate state action, and must (1) be for use on state property (e.g., a computer), (2) support a state event (e.g., funds to support an agency event), or (3) support the participation by a state employee or official at an event (e.g., funds for an agency employee to attend an educational conference relevant to his state duties). General Statutes § 1-79 (5)(10).

**NOTE:** There is a "gift" exception in § 1-79 (5)(1) for "major life events" (a term defined by regulation), but state contractors and potential state contractors may not use it.

### Gift Reporting

If a person doing or seeking to do business with a state agency gives an agency employee or official any of the benefits found in the "gift" exceptions, the person may have a reporting obligation. See General Statutes § 1-24 (a).

Generally, if the benefit is valued over \$10, the person (or a representative) must do as follows: Give *both* the recipient *and* the executive head of the recipient's department or agency a written report stating:

- The donor's name,
- A description of the item or items given,
- The value of such items, and
- The cumulative value of all items given to such recipient in the calendar year.

**NOTE:** This helps both the donor and the state employee or official keep track of the "gift" exceptions noted above, so that permissible limits are not exceeded.

## ACCEPTING GIFTS

In Advisory Opinion No. 03-02, the conflict language in § 1-86a(4)(1) (see above) was interpreted as creating the following rule:

- If, as a state contractor or an employee thereof, you are offered benefits from a person by virtue of your authority under the state contract (for example, clients of the contracting state agency), you may accept **no more** than \$100 annually from that person.

**NOTE:** In an enforcement action, a former employee of a state contractor was found to have violated § 1-86a(4)(1)—and ordered to pay a \$10,000 penalty—for using his authority over a subcontractor to solicit free or discounted gifts, services and other items of value (e.g., meals and tickets to sporting events and concerts).

## NECESSARY EXPENSES

General Statutes § 1-84 1b—the “necessary expenses” provision—prohibits a state employee or official from accepting a fee or honorarium for participating at an event in his or her official capacity.

However, a state employee or official may receive payment or reimbursement for “necessary expenses” if—in his or her official capacity—the employee or official *actively participates* in the event (for example, gives a speech or runs a workshop).

“Necessary expenses” are not considered gifts and may include the cost of:

- Travel (coach),
- Lodging (standard room for the nights before, of, and immediately following the event),
- Meals (non-lavish), and
- Conference or seminar registration fees.

“Necessary expenses” do not include the cost of entertainment (tickets to sporting events, golf outings, etc.), or payment of expenses for family members or other guests.

A state contractor has *no reporting obligations* when it pays for, or reimburses, a state employee’s or official’s “necessary expenses.”

### Example:

A state contractor is hosting an out-of-state conference and would like the Governor to come and give a speech in his official capacity. The contractor has offered to pay the Governor’s



## State Contractors Guide to the Code of Ethics

travel and lodging expenses, to waive his conference registration fee, and to give him a \$500 honorarium. Permissible?

The Governor may not accept the \$500 honorarium (because he is participating in his official capacity), but may accept payment or reimbursement for "necessary expenses," which include coach-class travel, standard lodging for the nights before, of, and after the speech, and waiver of the conference registration fee.

### HIRING CURRENT OR FORMER STATE EMPLOYEES AND OFFICIALS

#### Former State Employees and Officials

A state contractor wanting to hire a *former* state employee or official should be aware of the Code's post-state employment prohibitions. See General Statutes §§ 1-83a and 1-83b.

Most of these prohibitions are "personal" to the former state employees and officials, meaning they do not apply to their post-state *employers*. These include:

- **Confidential information:** A former state employee or official may *never* "disclose or use confidential information" gained in state service for anyone's financial gain. General Statutes § 1-83a.
- **Side switching:** A former state employee or official may *never* "represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service, and (2) in which the state has a substantial interest." General Statutes § 1-83b(a).
- **Cooling off:** For *one year* after leaving state service, a former state employee or official may not "represent" anyone for compensation before their former state agency. ("Represent" means doing any activity that reveals the former state employee's or official's identity.) General Statutes § 1-83b(b).

**NOTE:** Certain former employees and officials of the Department of Consumer Protection and the Department of Emergency Services and Public Protection are subject to a two-year employment ban with respect to entities engaged in Indian gaming operations. General Statutes § 1-83b(d) and (e).

#### Prohibitions on Employer

There are two post-state employment provisions that apply not only to former state employees and officials—but also to those that hire them:

- For *one year* after leaving state service, a former state employee or official may not accept employment with a party to a state contract valued at \$50,000 or more, if:

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- (1) He or she participated substantially in, or supervised, the negotiation or award of that contract, and
- (2) It was signed within his or her last year of state service.

Further, "*[n]o party to such a contract or agreement . . . shall employ any such former public official or state employee in violation of this subsection.*" General Statutes § 1-~~841(j)~~.

- Individuals who held designated positions at certain state regulatory agencies may not—for one year after leaving state service—"accept employment with a business subject to regulation by that agency." Further, "*[n]o business shall employ a . . . former public official or state employee in violation of this subsection.*" General Statutes § 1-~~841(j)~~.

### Current State Employees and Officials

State contractors wanting to hire a *current* state employee or official should be aware of the Code's outside-employment rules, which bar the employee or official from:

- Accepting outside employment with an individual or entity that can benefit from the state servant's official actions (e.g., the individual in his or her state capacity has specific regulatory, contractual, or supervisory authority over the private person) OSR Regs. § ~~1-901-12~~.
- Using state time, materials, or personnel to perform their outside work. General Statutes § ~~1-841(j)~~.
- Accepting—or being a member or employee of an entity that agrees to accept—compensation for representing others before 11 statutorily designated state agencies. General Statutes § ~~1-841(j)~~. The agencies include:
  - the Department of Banking,
  - the Claims Commissioner,
  - the Office of Health Care Access division within the Department of Public Health,
  - the Insurance Department,
  - the Department of Consumer Protection,
  - the Department of Motor Vehicles,
  - the State Insurance and Risk Management Board,
  - the Department of Energy and Environmental Protection,
  - the Public Utilities Regulatory Authority,
  - the Connecticut Siting Council, and
  - the Connecticut Real Estate Commission.

\*\*\*The prohibition on being a "member or employee" applies to entities that are in the business of *representing others* for compensation before the listed agencies (law firms, accounting firms, etc.).



## OTHER OUTSIDE EMPLOYMENT CONSIDERATIONS

There are two other outside employment prohibitions, but they apply only to a limited number of state employees and officials:

- Individuals holding designated positions at certain state regulatory agencies may not—while in state service—“negotiate for, seek or accept employment with any business subject to regulation by his agency.” Also, “*no business shall employ a present . . . public official or state employee in violation of this subsection.*” General Statutes § [1-591\(c\)](#).
- Certain present employees and officials of the Department of Consumer Protection and the Department of Emergency Services and Public Protection may not “negotiate for, seek or accept employment with” entities engaged in Indian gaming operations. General Statutes § [1-341\(d\)\(4\)\(c\)](#).

## OTHER CONSIDERATIONS

### WRITTEN AFFIRMATION CONCERNING STATE ETHICS LAWS SUMMARY

General Statutes § [1-101m](#) contains three requirements with respect to the OSE’s state ethics laws summary:

1. State agencies must provide large state construction or procurement contractors with the state ethics laws summary; and—before accepting their bids—must obtain written affirmation that their key employees read, understand, and agree to comply with those laws.
2. Large state construction or procurement contractors must, in turn:
  - a. provide their subcontractors and consultants with the state ethics laws summary,
  - b. obtain the same written affirmation as above from their subcontractors and consultants, and
  - c. provide the affirmations to the state agency with which they have the contract—or face termination of the contract.
3. The state ethics laws summary must be included by reference in each contract with a contractor, subcontractor or consultant.



### ETHICS AFFIDAVITS & CERTIFICATIONS FOR STATE CONTRACTS

The Office of Policy and Management has created ethics forms to help executive branch agencies comply with the State's contracting requirements. The forms include, for example, "Affirmation of Receipt of State Ethics Laws Summary" and "Gift and Campaign Contribution Certification." Copies of these forms and other updated information regarding state contractors can be found on the websites of the Office of Policy and Management and the Department of Administrative Services.

**NOTE:** The OSE does not have jurisdiction over the ethics affidavits and certifications. Questions concerning them should be directed to the Office of Policy and Management.

### ETHICS ENFORCEMENT

Enforcement of the Ethics Codes is initiated by a complaint, which is filed by the OSE Ethics Enforcement Officer or a member of the public. In most cases, a complaint by the Ethics Enforcement Officer is preceded by a confidential staff evaluation.

A two-stage process follows:

1. Confidential investigation and confidential probable cause hearing,
2. If probable cause is found, a public hearing to determine if a violation has occurred.

At any stage of this process, the OSE and the Respondent may negotiate a settlement.

After a finding or admission of a violation, the CEAB may order the Respondent to comply with the Ethics Codes in the future, file any required report or statement, and/or pay a civil penalty.

For failure to file a report, statement, or other information required by the Ethics Codes, the CEAB may, after a hearing, impose a civil penalty of up to \$10 per day, with the aggregate penalty for any one violation being \$10,000.

The OSE may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Ethics Codes is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

The Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

The "[\*Contractor's Guide to Ethics & Compliance\*](#)," which is available on the OSE's website, gives a detailed overview of the complaint process and related confidentiality rules.

**APPENDIX F:      RESPONDENT'S FINANCIAL STATEMENTS      CONFIDENTIAL**